



SAVANNAH CHATHAM METROPOLITAN POLICE

Office of Professional Standards

CASE NUMBER

2140622



Joseph H. Lumpkin Sr. CHIEF OF POLICE

Investigator's Report

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SAVANNAH CHATHAM POLICE

Office of Professional Standards

1. OPS NUMBER: 2140622
2. INCIDENT DATE: June 20, 2014
3. COMPLAINANT: Intra-Departmental

4. OFFICER(S) INVOLVED	ASGN	YRS OF SERV	DUTY STATUS
A. Daryle McCormick	ATF Task Force	18 Years	Active

5. GENERAL ORDER(S) APPLICABLE TO INVESTIGATION:

GO # ADM-004

OATH OF OFFICE, ETHICS, AND CONDUCT

I. GENERAL STANDARDS OF CONDUCT

1. **Conduct Unbecoming** – The conduct of a public employee, on or off duty, reflects upon the SCMPD. The SCMPD shall investigate complaints and/or a circumstance suggesting an SCMPD employee has engaged in conduct unbecoming and shall impose disciplinary action when appropriate

4. **Truthfulness/Honesty:** Employees shall not willfully, intentionally, or knowingly depart from the truth OR in any way be deceptive, provide misrepresentations, falsification, deliberately or intentionally omit or misrepresent material facts when giving testimony, providing information (orally or in writing), or reporting in connection with any official duties. This includes the submission of fictitious or inaccurate reports or the falsification or misrepresentation of any facts or circumstance in official agency records. Upon the order of a superior, employees shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the agency.

13. **Misappropriation of Property** - No employees of the SCMPD will appropriate for their own use any lost, found, or stolen property. No employees will convert to their own use any property of the City of Savannah or Chatham County, or property held by the SCMPD.

III. PROFESSIONAL LIFE STANDARDS

C. Knowledge of Laws and Rules - SCMPD employees are required to establish and maintain a working knowledge of laws and ordinances in force in the City of Savannah, Chatham County, the rules and policies of the SCMPD and the City of Savannah, and the orders of the SCMPD and Divisions thereof. In the event of improper action or breach of discipline, it will be presumed that the employee was familiar with the law, rule, or policy in question.



SAVANNAH CHATHAM POLICE
METROPOLITAN

Office of Professional Standards

SECTION 1

Lead Investigators Report

Lieutenant Robert Gavin



SAVANNAH CHATHAM POLICE

ADMINISTRATIVE INVESTIGATION Incident Report

OPS NUMBER:	2140622
EMPLOYEE:	Daryle Cpl. McCormick
DATE:	June 20, 2014
INVESTIGATOR:	Lieutenant Robert Gavin

Friday, June 20, 2014

On the above date, at approximately 18:45 hours, Chief Tolbert contacted this investigator and ordered that Cpl. Daryle McCormick be placed on administrative leave pending the outcome of this OPS investigation. I was also assigned to investigate multiple allegations of misconduct by Cpl. McCormick.

I drove to Cpl. McCormick's residence in Pooler, Ga. and collected his police ID, badge, weapon, rounds, and pistol belt. I read Cpl. McCormick the notice of Administrative Leave and had him sign the form. I returned to the OPS office, and logged the property into the OPS safe. The signed Administrative Leave Form is now a part of this file.

Tuesday June 24, 2014

I met with Chief Tolbert and Interim Major Dean Fagerstrom in reference to this OPS investigation. Chief Tolbert briefed us as to what she knew of about the incident involving Cpl. McCormick.

The Chief stated Cpl. McCormick came to the police department to meet with Asst. Chief Enoch, and she was requested to step into that meeting. She stated Cpl. McCormick told her he wanted to come back to the department from his position at the ATF task force and possibly get a position in SIP (Savannah Impact Program). Chief Tolbert told him to get a letter from the ATF supervisor stating he was coming back in good standing and she would look at his request.

Chief Tolbert stated the following morning; the supervisor for ATF RAC David Kamentz came to police headquarters and wanted to meet with her in reference to Cpl.

McCormick. In attendance at this meeting was Asst. Chief Enoch. Agent Kamentz tells the Chiefs that Cpl. McCormick was sent back from their office due to a series of problems that have come to light in reference to the storefront operation and the monies and property that had been bought and sold and logged in as evidence. Agent Kamentz advised the Chiefs that there was a video of Cpl. McCormick removing items from the storefront warehouse and putting the items in his vehicle. Agent Kamentz told the Chief this activity was noticed by members of his staff, but no action was taken, nor was Cpl. McCormick questioned. The only action taken was having the locks changed on the warehouse so Cpl. McCormick could not get in.

Agent Kamentz also told the Chiefs there were issues with the money in the storefront account. Kamentz told them the problems were with missing or inappropriate purchases made with Cpl. McCormick's ATF credit cards. Agent Kamentz stated that over time, as he was questioned or asked about the items, Lovett gave him approval over the items and purchases in question. Agent Kamentz told both Chiefs that there was also an accusation that Asst. Chief Enoch told Cpl. McCormick that he needed to get rid of the books to protect Lovett. (This is in reference to the account logs showing purchases and property from the store front) Chief Tolbert did not understand why Agent Kamentz told Asst. Chief Enoch of that accusation.

Chief Tolbert stated while in the meeting with Agent Kametz and Chief Enoch, she was called to the front office wherein Maria Waters (Cpl. McCormick's girlfriend) had just dropped off a resignation notice for Cpl. McCormick. Ms. Waters requested the resignation be turned into Asst. Chief Enoch. Chief Tolbert took the resignation back into her office and told both Agent Kamentz and Asst. Chief Enoch that Cpl. McCormick had just resigned. Chief Tolbert stated later in the afternoon, she was contacted and told Cpl. McCormick wanted to rescind his resignation letter, and that is why he was then put on administrative leave.

Chief Tolbert stated Agent Kamentz told her he would provide the video tape and an email from the AFT internal affairs office outlining the finding of the ATF investigation to date. Chief Tolbert advised this information would be forwarded to SCMPD's Internal Affairs Office.

Chief Tolbert advised that I should go over the storefront operation and the accounting of property and money as it pertained to the operating account with Sgt. Armando Tamargo, who was in Cpl. McCormick's position prior to Cpl. McCormick taking over the account.

Chief Tolbert advised she was placing a gag order on this investigation, advising Interim Major Fagerstrom and I would be the only ones privy to the details of the investigation. Chief Tolbert asked that our meeting be documented for this OPS report.

Friday July 11, 2014

(The following is a summary of the 5 page email)

Chief Tolbert copied and forwarded an email to her from Ray Brown, the ASAC (Assistant Special Agent in Charge) in the ATF Atlanta Field Office. Brown forwarded an email sent to him by the Savannah office RAC (Resident Agent in Charge), David Kamentz outlining the allegations brought forward to him by ATF task force members under his command. The email outlines several incidents involving questionable purchases, and theft of property from the storefront operation named "Operation Pulaski" which was run out of the ATF task force office. The email outlines two specific incidents that took place during November 2012, identifying missing property during an audit of the warehouse where items were stored for the storefront operation. Task Force Officer Molina conducted the audit and identified money and several televisions missing from the inventory. Alarm trips at the warehouse led to agents pulling video of the specific times. The video showed agent Cpl. McCormick going into the warehouse removing a 60 inch television and approximately \$2000.00 in cash. The email also reports questionable purchases made by Cpl. McCormick over a period of time that appear to be for personal use, such as vehicle maintenance, alcohol, hotel and dining purchases. The email also explains that ATF agents were notified of the incident, but they did not report the issue. They did take action by changing the lock on the warehouse denying Cpl. McCormick further access. Other video shows Cpl. McCormick going to the warehouse after the locks are changed and attempting to gain entry, but when the key does not work Cpl. McCormick leaves.

The ATF agents and task force members questioned Cpl. McCormick about some of the questionable purchases and he routinely responded that he was given permission by Lovett to make the purchases or remove property. Cpl. McCormick would tell people he was "**protected**".

This email also discusses the FBI investigation into Lovett, wherein he was found to have a cell phone that was assigned to the ATF for over five months after he resigned from SCMPD, and the bill was still being paid by Cpl. McCormick up until its discovery in May 2014. The phone led to Cpl. McCormick being questioned by the FBI, and subsequently agents in the ATF office advised RAC Kamentz about the activity from the past that they had identified.

This led to the meeting that RAC Kamentz had with Chief Tolbert and Chief Enoch about Cpl. McCormick requested to return to SCMPD. The Internal Affairs Office of the ATF is involved in this case, and has begun their internal investigation **(The entire copy of Chief Tolbert's email is now part of this OPS file.)**

Wednesday July 23, 2014

ATF RAC Kamentz came to Police Headquarters and met with Fagerstrom and me to discuss items he had in reference to this OPS case. RAC Kamentz reviewed with us and turned over two surveillance videos that show Cpl. McCormick removing televisions and cash from the storefront operation warehouse in Garden City. Cpl. McCormick is seen entering the warehouse after hours removing various televisions from the electronics room. Cpl. McCormick also enters the area where there is a floor safe and is seen on camera leaving with cash in his hand. Along with the videos, RAC Kamentz brought a list of seventeen weapons that were signed out from the property room by Cpl. McCormick for return or to be destroyed. RAC Kamentz was unable to locate several of the names or case numbers in their database that coincide with the weapons listed as Cpl. McCormick destroying **(Copies of the weapons list and video tapes are now a part of this file.)**

Tuesday August 5, 2014 (Summary of Interview with Sgt. Tamargo)

I conducted an audio taped interview with SCMPD employee Sgt. Tamargo, Major Case Sergeant then assigned to the Counter Narcotics Team, (CNT) for him to outline his involvement and understanding of the storefront operation known as "Operation Pulaski" and to explain the "churning account" that was used to fund the operation. Sgt. Tamargo had put in his two week notice to quit the department during this investigation, and was leaving at the end of the week when this interview occurred. His last day was August 8, 2014.

Prior to the recorded interview, Sgt. Tamargo was advised Garrity and advised he understood. Fagerstrom and I interviewed Sgt. Tamargo. I asked Sgt. Tamargo how he became involved in the storefront operation. Sgt. Tamargo stated he was approached by ATF Agent Lou Valoze about working on the operation. Sgt. Tamargo wanted to be involved and Agent Valoze spoke with the Chief of Police (**Willie Lovett**) and Sgt. Tamargo was assigned. Lovett called Sgt. Tamargo into his office and told him he would not be able to come to the Police Department, and would not communicate with department members while on this assignment.

The storefront operation was funded through a State of Georgia churning account. The upfront money came from cigarettes that were supplied that did not have GA or Federal sales tax stamps. This gave them the ability to sell the cigarettes at a reduced rate generating the funds for making illegal sales cases in the meantime. In the end they were going to do an ATF operation, but under state guidelines. Sgt. Tamargo was assigned to open the "churning account" and he asked about the rules and guidelines for use of the account. He was told there were no real restrictions as long as the case was active the money can be used for any law enforcement needs or supplies.

Sgt. Tamargo was told that the police department could keep the money and they would put a bunch of bad guys in jail. The money could be used for any law enforcement purposes. Sgt. Tamargo opened the "churning account" at SunTrust Bank and he was the sole person who had the ATM card for the account. Sgt. Tamargo would give the agents and officers access to the card if they needed to buy plane tickets, hotel rooms, or stuff to do the operation.

I asked if Lovett had access to the bank account and Sgt. Tamargo stated "no". Sgt. Tamargo met with Lovett in the cemetery on Wheaton St. to discuss the operation. Sgt. Tamargo purchased Lovett two laptop computers from the "churning account", stating the laptops were to be used so Lovett could communicate with Tamargo during the operation. Sgt. Tamargo was asked if he Lovett ever emailed him from those laptops and Sgt. Tamargo stated, "No." Sgt. Tamargo stated Lovett had assigned Captain Wiley as his go to department contact for operational information. Sgt. Tamargo stated he convinced Lovett to allow him to communicate with Lt. Gundich.

Sgt. Tamargo stated the operation was bringing in a lot of money, sometimes as big as \$80,000.00. He and Agent Brian Moore were handling most of the record keeping for the account. The two of them would count the money and then deposit the money. The records for the account were kept by Sgt. Tamargo and Agent Moore. The account was used to pay for rent, get cars, and for holsters. Some of the officers did not have undercover holsters. They used the funds from the account to buy stuff for the storefront like paper towels, beer, and oil changes for the cars. I asked if receipts were kept for all the items purchased, and he stated they were. Sgt. Tamargo stated he was using the money in the account to pay for gas for his car. He advised the ATF agents had government credit cards to get gas.

Captain Fagerstrom asked Sgt. Tamargo about the laptops he purchased for Lovett--what brand there were and where they are now. Sgt. Tamargo did not know where the lap tops were at the time of this interview. Sgt. Tamargo stated Captain Wiley called him after the investigation began into Lovett and advised him he was retiring. Captain Wiley wanted to know what to do with the laptop computer Sgt. Tamargo supplied him with for the storefront operation. Sgt. Tamargo told him to just leave it with the last unit he was working with, that the computer belonged to the department. Captain Wiley asked him about the computer Lovett's daughter was using. Sgt. Tamargo stated he thought he was saying she was using it from the house, but then he stated, "Yeah I don't care what they do with it." But Sgt. Tamargo told Captain Wiley he turned over the serial numbers of the computers, so if someone comes looking for it they know who it was given to.

Sgt. Tamargo stated he supplied Captain Wiley, Lt. Gundich, Lovett and himself with laptop computers in order to communicate with each other. Sgt. Tamargo advised he was given an iPad by an ATF Agent, and told he did not have to turn it in because it was technology. He was told when it dies just toss it. Sgt. Tamargo stated they bought office furniture, computers, and TV's for the precincts at SCMPD. Sgt. Tamargo stated the list he made was incomplete, but he tried to keep track of all the things he bought.

I asked if he used the account to purchase anything else for the Chief like booze or alcohol. Sgt. Tamargo stated no, but said he may have given him a bottle of scotch, and the rest went to Lou's garage. Sgt. Tamargo stated they used the account to purchase stuff that was "swag" like beer, coffee, and drinks for the customers coming into the storefront. Sgt. Tamargo stated, "We bought Keurig coffee makers, things like that." Sgt. Tamargo stated he bought flat screen TVs for the precincts, the detectives units, and SARIC. Sgt. Tamargo stated he bought them from Best Buy, and gave them to Lt. Gundich to distribute to the department. Again, Sgt. Tamargo stated some of the serial numbers were recorded, but not all of them.

Sgt. Tamargo wanted to use the program Quick Books for recorder keeping for the storefront operation. Sgt. Tamargo stated the officers involved in the operation did not want to use this program for the record keeping. Sgt. Tamargo bought the Quick Books program and he stated they screwed it up. I asked if they ever found any anomalies in the items they were tracking. Sgt. Tamargo stated there were, but they were not huge or glaring. He said it could have been bad book keeping or sloppy inventorying on all their parts. Sgt. Tamargo does not believe anyone stole anything as far as he knows. He believed they were not running the operation correctly and stated there was very little oversight. Sgt. Tamargo stated he thought if this goes bad he would be the one who was left holding the bag. Sgt. Tamargo said he felt like if something went bad, "The ATF would say this is the police department's operation and Lovett would say, I don't know anything about it and I would be left holding the bag."

Sgt. Tamargo stated he heard the justice department was doing inspections of these types of operations and was told by the agents they wouldn't do an inspection because this is a state case and not governed by federal guidelines. Sgt. Tamargo stated he got the "the shut up you're a pain in the ass type feeling from them."

Sgt. Tamargo stated he requested an accountant to look over the records and the ATF sent him to Bluffton, SC to an independent accounting firm. (Sgt. Tamargo thought the name of the accountant was Sandowski.) They had to pay for the accountant. Sgt. Tamargo knew the account was not going to match up. He stated he lost \$20,000 in a money laundering operation he set up. He stated the guy they were working on was paying him back \$9,000 or so at a time in structured payments. The guy then got arrested by INS and they were out the money. They couldn't get the money back at that point. Sgt. Tamargo stated he told Lovett that the guy got arrested and they were out \$20,000. Sgt. Tamargo stated they had to eat that loss. He stated for the most part the stuff matched up.

Sgt. Tamargo stated when he left the operation he left the computer with all the records and the receipts at the storefront. Sgt. Tamargo was asked why he was left the operation and he stated because of all the stuff going on that he talked about before this. When he was asked what specific issues caused him to leave, he stated Lovett not wanting to know anything and part of it was ego, he did not like the ATF guys dictating things to him and

not wanting to listen to him. He stated part of it was that, "I just didn't like it." He felt like all it was going to take was for someone come in and looked into what they were doing, and saying 'what the hell were you all doing', and then there was going to be no explanation."

Sgt. Tamargo stated he told Lovett he needed to talk to Belski (ATF). Sgt. Tamargo stated Lovett told him he would, and a while later Lovett told him they (he and Belski) spoke and so Sgt. Tamargo asked Belski if he talked to the Chief lately and he said "no", so Sgt. Tamargo felt like one of them was lying and he was leaving. He felt like "if something went bad nobody knew about the operation. Sgt. Tamargo stated "nobody knew about this, like the city manager, nobody." Sgt. Tamargo stated "I was worried if things went bad Lovett would say he had a rogue sergeant who he said could work with the ATF but that 'I didn't know what he was doing'. Sgt. Tamargo said "I was like, if you look at it, it was already set up that way". "Now the finger was going to be on my ass, so I'm done with it." Sgt. Tamargo states I never thought anything they were doing was criminal or dirty. I know they were legitimately trying to put bad guys in jail."

Fagerstrom stated there was no plan, no structure, and no oversight. Sgt. Tamargo stated, "There was nothing in our SOP that guided anything." Sgt. Tamargo stated, "I wasn't buying things for myself, I was buying it for the operation and the department, but whose interpretation of that would it be. If someone came in and looked at it, would they think we needed it. They could say why did you buy this and why would you buy that."

Sgt. Tamargo stated, "One day the ATF agent from Virginia came down who was the guru of this type operation. The next one was supposed to be like an import export type operation, we even went to Miami to see how it works." Sgt. Tamargo stated, "The ATF agent from Virginia was telling us before you set this new operation up (Garden City location) you need to do A, B, C and D. I get a call from the guy (Virginia agent) telling me to meet with him at his hotel." He stated the agent and his boss were there and asked Sgt. Tamargo why none of the things they said needed to be in place were done. Sgt. Tamargo stated he told them "your expectations and ours are different. You need to talk to Lou and George because you guys are not on the same sheet of music." Sgt. Tamargo stated that's when things went bad between him and the guys in the operation." (Sgt. Tamargo supplied an email that Agent Lou Valoze sent out to the group.) Sgt. Tamargo stated the majority of the email was directed towards him and Brian Moore. Sgt. Tamargo said the guy from Virginia was a lifeline, if they needed money or cigarettes this guy would help them out. He said, "The fact that I was calling this guy directly and asking for information about what was sent and if it would be invoice or not or how much was sent pissed someone off". Sgt. Tamargo said, basically they wanted someone to sign the checks and cover the while they did the undercover work. "I went over thinking I was going to do undercover work, but they did that," Sgt. Tamargo said.

Sgt. Tamargo then read the email that Agent Valoze sent and it laid out the ground rules for the new operation (a copy of the account is part of this file.) Sgt. Tamargo did not like the fact an informant was getting more respect than he and the other officers.

Sgt. Tamargo stated soon after the email, he learned from a SunTrust worker that when he went to open the new business account for the new operation that he was being moved out. The teller told him, "So you're leaving us?" He was moving the money in the churning account from his undercover name to the business account and Cpl. McCormick was already on the new account. This is when Sgt. Tamargo first learned that Cpl. McCormick had been added onto the account.

Sgt. Tamargo went back to the storefront and told them he knew what was happening (he was being sent back) and he stated he wanted to go anyway. I asked him if he and Cpl. McCormick were buying anything together at this time and he stated "no". I asked Sgt. Tamargo if he zeroed out the account before he left. Sgt. Tamargo advised he left everything with them. Sgt. Tamargo explained that when they purchased cars from the "churning account" there was drama among the agents about who got what and this caused friction among the agents. Sgt. Tamargo stated he told Lovett about what was happening and he believed Lovett told Cpl. McCormick, and that's why the guys were getting mad. He knew Lovett told Cpl. McCormick stuff. Sgt. Tamargo stated he left the operation about a month later.

I asked Sgt. Tamargo if he left his checks and ATM cards with the agents, he stated he may have left them in the desk or gave them to one of the agents, he didn't remember. Fagerstrom asked Sgt. Tamargo if the BMW Cpl. McCormick was driving was from the "churning account". Sgt. Tamargo said he wasn't sure. We asked if Cpl. McCormick ever worked at the storefront in Thunderbolt and he stated "no", he did not take part in the operations.

I asked if he knew the balance of the account when he left, he stated it was close to \$500,000.00. Sgt. Tamargo stated if we looked at all the transactions, there was a lot of money going in and out from the account. I asked if he had a cell phone, Sgt. Tamargo advised they all had cell phones through Verizon, and they paid for the phones with money from the "churning account."

Before we concluded the interview, I asked Sgt. Tamargo if he knew of anything else we did not cover during this interview. Sgt. Tamargo said he advised the FBI that he and some of the other guys were given TVs from a guy from up north. He stated the guy told him the TVs were used as fillers for the container. Sgt. Tamargo took a TV home and kept it. He also advised, "We did keep the swag, the T-shirts and shoes that they bought but just little stuff like that." Sgt. Tamargo stated, "I told the FBI about that and they said they weren't worried about stuff like that." Sgt. Tamargo said they used the stuff to make themselves look dirty. Sgt. Tamargo stated that is all he could think of at this time, but if something else came up to let us know. I then concluded the interview.

Thursday August 7, 2014 (Summary of Interview with APO TFO. Molina)

I conducted an audio taped interview with TFO Molina, at the Internal Affairs office. Prior to the recorded interview, TFO Molina was advised of his Garrity warning and he acknowledged understanding. I asked when he came on the department and where he has and is currently assigned. TFO Molina stated he has been with the department since 2006 and worked patrol, CSU, TRAP and is currently a taskforce officer in the ATF office. He has been in the ATF office for almost three years. He advised he worked at the storefront operation in Garden City. He was brought in because they needed a Spanish speaking officer. I asked who was working on the operation he listed all previously stated and mentioned that Cpl. McCormick was the person who was on the churning account but he did not take part in the day to day operations. TFO Molina stated 98% of the operations were done by the ATF agents Valoze, Bicknese, Moore, and him. Cpl. McCormick was not part of the operation except for the churning account.

TFO Molina stated Cpl. McCormick had the bank account with the UC name Dwayne Chandler. The account was used to pay bills, make buys, and to fill the warehouse with property to make it look like the warehouse had stuff coming in and out. If they needed supplies or to buy things they would call Cpl. McCormick and he would pick the stuff up or meet them somewhere and buy it and they would bring it back. I asked how they kept track of those purchases. TFO Molina stated when he used the card he would bring the receipt back and place it in a file folder in his desk. A bank statement came at the end of the month and they would check the account against the receipt to make sure they matched up. TFO Molina stated he would question purchases that were made outside the region to make sure there was no identity theft or things like that going on.

TFO Molina stated when he questioned purchases he saw on the bank statement Cpl. McCormick would tell him he made the purchase. He also advised Cpl. McCormick sometimes told him he lost or forgot the receipt. TFO Molina said he would ask him, "Did you or the officers on the storefront operation make these purchases of gas and other things?" Cpl. McCormick would tell him he didn't have the receipts. I asked how he ended up doing the books, and he stated Cpl. McCormick told him he didn't have time to reconcile the books because of his other duties with Operation Ceasefire so he was asked to keep the books.

TFO Molina stated he asked that an accountant come in to assist him with doing the books. TFO Molina stated he started keeping the books within the first three months of going over there. I asked him if after meeting the accountant did he then become responsible for the records of the storefront, and he stated he did. I asked if they made small purchases for water, drinks, or snacks for the storefront. TFO Molina advised that money was kept in the safe for swag (small purchases) and if they needed to give change they had money on hand. This swag money was used freely with no oversight.

Sometimes suspects would come in with hundred dollar bills and they needed to give them change. He advised the safe with the swag money had no more than a \$1,000 but no less than \$200. Some days they might do \$50,000 in sales and they would call Cpl. McCormick to make deposits. I asked if it was normal for him to make purchases for him to get gas and stuff. TFO Molina did not want to take money from the safe for that. If TFO Molina needed gas he would catch up with Cpl. McCormick at a gas station and he then would fill his tank. If Cpl. McCormick went away and they needed to pay bills, he would pre-sign checks and leave them for them to use on things while he was gone. Sometimes Cpl. McCormick would pull out cash and leave it for them and TFO Molina would leave notes for the use in Quick books. I asked TFO Molina if he had any conversations with Lovett about the money or items, he replied no, that all his dealings were with Cpl. McCormick.

I asked since he ran the warehouse if there were any issues with items missing. TFO Molina stated what would be an issue is they would buy hundreds of TVs and pre-package them on pallets in the warehouse, stacking 20 to a pallet. They knew guys were coming in with like 10 or 20 AK's (Assault Rifles) and the TVs were used as payment for the guns to keep people from having to hang around the warehouse too long. TFO Molina stated on several occasions the counts came up short. At first, he thought it was agents pulling them to make other deals, but that wasn't the case.

TFO Molina stated he advised the agents not take the TVs out of the stack, they all told him they were not touching his stacks. TFO Molina stated it happened again another time that same week. He said this was an issue because the suspects would order specific types of TVs 60 inches or things like that and they needed all the ones they stacked for the orders. I asked if they ever had to go out to grab styles of TV that they couldn't get through there sources.

I asked TFO Molina after the two different times where TVs were missing, what did he do? He stated he told the agents working the warehouse what had happened and this was the second time a TV was missing from a stack. TFO Molina stated they knew there was an issue when the night before they did a late sale and the money from the sale was put in the safe. When they went to do the deposit paperwork on the money they found the discrepancy. Agent Moore did a \$5,000 sale, all in \$100 bills, when he went into the safe he saw that \$2,000 was missing. He asked if anyone did a deposit or took the money for a buy, when everyone working there said they did not, they checked the video tape system.

Moore suspected someone was coming into the warehouse at night and taking things. When they reviewed the video tape, they saw Cpl. McCormick coming into the warehouse after hours by himself. I asked how he knew it was Cpl. McCormick and he stated he saw his government vehicle and his face. The video has audio and video, so Cpl. McCormick is seen and heard inside the warehouse talking one time to Capt. Adams and another time to a female named Maria. (Possibly his fiancée) I asked if he could see and hear him and he said, "Yes it is Cpl. McCormick." I asked if he had a key to the

building, and TFO Molina said, "Yes, he had full access to the warehouse to include the alarm codes." I asked him what he saw Cpl. McCormick doing. TFO Molina states, "Cpl. McCormick goes directly to disable the alarm than, one time he goes straight to the safe, you hear him rustling inside the safe while he is chit chatting on the phone, than you hear the safe close and a separate camera picks him up going into the electronics room. You can clearly see a stack of money in his hand and him pulling out the TVs." I asked is it normal for Cpl. McCormick to go into the warehouse. TFO Molina stated, "No." I asked what is kept in there. He stated swag money, cash from sales, and sometimes evidence that is kept because they can't get back to log in.

I asked TFO Molina, so normally do you keep your personal money in the safe or your wallets or anything, and he said, "No." I asked did you guys ever keep stacks of your personal cash in there. TFO Molina stated, "No Sir." I asked if he knew Cpl. McCormick to do any of this. TFO Molina replied, "No." I asked what else was kept in there, and he stated the overflow of iPads, liquor, and any items that couldn't go in the electronics room. I asked TFO Molina if he reviewed the surveillance videos and he stated that he had. I walked him back through the video and he stated that Cpl. McCormick closed the safe. TFO Molina knew this from the distinct sound the safe door and lever makes. Cpl. McCormick exited the safe room with what you can visibly see as cash. TFO Molina believes the money is in his left hand and his cell phone was in his right hand. TFO Molina stated Cpl. McCormick then entered the electronics room. "The first time he looks around and finds the TV he wants and takes it out." TFO Molina stated Cpl. McCormick purposely moves the other TV's around to fill the void for the TV he took out of the stack. I ask what Cpl. McCormick does with the TV he removes from the stack. TFO. Molina states "he takes it out of the warehouse and loads it in his vehicle, alarms the warehouse gets back in his vehicle and departs. "

I asked TFO. Molina was that the first incident or the second. TFO. Molina states "that was the first day he takes a TV on both occasions." I asked was Cpl. McCormick's actions normal, TFO Molina stated this was not normal, there working hours were during the day. There were times we would work at night but nobody would come by themselves. TFO Molina stated, "One because you don't know who is watching the place and you never know who is going to try to stick us up or rob us." "There were always at least two people to enter the warehouse for checks and balances for security reasons." "The ops that we did at nighttime, we try to have at least three to four people there." I asked again for Cpl. McCormick to come in to the warehouse alone was not normal. TFO Molina stated, "No it was not normal and it was not safe." I ask him if the facts show that Cpl. McCormick entered the warehouse on two occasions alone and in both cases he removed TV sets, and on one of those occasions he removed a TV and cash. TFO Molina responded, "Yes that is correct." I asked if they noticed the cash missing the next day or was it later in the week. TFO Molina stated it was after the second time that the TVs came up short that they pulled the video and saw the TV and the cash theft. TFO Molina states agent Moore was getting the safe sterile for the weekend when he noticed the money missing and that made him notice the \$2000 gone. I ask TFO Molina,

"Now you have the missing money and TV's and you see the video tape and see Cpl. McCormick taking the items, what do you guys do next?" TFO Molina stated, "Agent Moore was fucked up about the incident, he was mad because here they are busting their butts and he was thinking it was one of the people on the operation doing this, and here comes Cpl. McCormick in the middle of the night taking the stuff." TFO Molina stated they both knew he was not "doing something righteous because nobody knew about it and especially because he was coming in after hours."

I asked if they went to the supervisors. TFO Molina was not sure, he stated at the time the acting RAC was Toby Taylor. TFO Molina stated they reported it through the storefront chain of command. TFO Molina and Moore told Ralph and Tony how they felt about what they saw and they told TFO Molina and Moore that they were going to sit down with Cpl. McCormick and get to the bottom of this stuff. TFO Molina told the staff that he did not want to be part of this stuff because it really bothered him and he was dealing with another case of corruption already. TFO Molina told them that he would do his job and deal with him when he was around, but that Cpl. McCormick had "lost his respect." I asked if he had a valid reason for taking what he did. TFO Molina stated, "I didn't want to hear his excuses, I think it was bad." I asked if anyone was told that he would be coming in to take anything and he stated no, nobody knew. He stated they were all looking at each other until they saw it was Cpl. McCormick. TFO Molina stated nobody knew he was coming in after hours. Cpl. McCormick would never say the next day when they saw him that he was coming in the warehouse.

I asked TFO Molina if Cpl. McCormick was able to get back in the warehouse after this incident. TFO Molina stated, "After seeing the video tapes of Cpl. McCormick, Ralph Bicknese changed the pad lock on the outside gate so he could not get in the fence. Everyone was given keys to the new lock except Cpl. McCormick." Cpl. McCormick was restricted to coming to the warehouse without one of them being there. TFO Molina stated, "You don't have this video, and I don't know what happened to it, but when they changed the lock, they had not had a chance to talk to Cpl. McCormick about the videos, he is seen on video trying to get in the warehouse again at night and when his key does not work he leaves." TFO Molina stated Cpl. McCormick never asked anyone 'hey why doesn't my key work or why didn't I get one'. TFO Molina continued stating when he saw the video of him trying to get in again and not being able to, it made him know there was something suspicious with all of this. I asked if this third video was the same circumstances, Cpl. McCormick at night by himself without telling anyone. TFO Molina stated, "Yes." I asked if they noticed any other times after that if things were missing. TFO Molina stated there were charges in Atlanta and stuff on the credit card where they found out it was Cpl. McCormick making the purchases. He stated, "One time there was \$100 worth of liquor paid for on the credit card and that's a red flag there." This was not right because they had a special person that they would buy the liquor from. Valoze asked Cpl. McCormick about the purchase of the liquor and Cpl. McCormick told him, "It was for the Chief" (Lovett). TFO Molina stated, "As long as he had a receipt I did not question those, it was above my pay grade." I asked if he saw a lot of purchases like this outside the area. TFO Molina did not know the extent due to the fact Cpl. McCormick did

not inform them of cases they were involved in, nor did he let them know if things were purchases for visiting agents from out of town. The charges were things like airline tickets and hotel rooms. Cpl. McCormick would coordinate the purchases with the case agents. TFO Molina stated he would not be aware of justifications all the time.

I asked TFO Molina how much money the churning account would have in it at any one time. TFO Molina stated, "It was never less than \$200,000 and no more than \$1,000,000. He stated the account has been up to over \$800,000 at times. I asked if during the time he was there if large purchases were made, such as vehicles. TFO Molina stated "Yes" there were vehicles bought all the time. TFO Molina stated several times he was driving different cars for the operation.

I asked if the agents had cars from the churning account and he stated, "Yes." I asked if Cpl. McCormick had any cars bought from the churning account. He stated he did, first was the BMW 750, which he later switched over to a Mercedes. I asked if computers and iPads were purchased from the churning account. TFO Molina stated, "Out of the churning account". TFO Molina was not aware of what or who received what electronics. TFO Molina stated as long as he had a receipt for the items he didn't question them.

I asked if the TVs were the only things that he had missing or anomalies with in the warehouse. TFO Molina would see purchases for computers and cell phones, but everyone there already had cell phones and laptop computers. TFO Molina stated they were purchases made by Cpl. McCormick for the Chief (Lovett). TFO Molina stated when he would ask about items that showed up and they would tell him, Cpl. McCormick bought that for the Chief. I asked if he thought this was wrong when he would buy stuff for the Chief. TFO Molina stated he didn't know what went on before him, that if the Chief received fringe benefits then that's what happened. TFO Molina would say to himself, is the chief using this for the office, but that didn't make sense for him.

I asked how TFO Molina how he addressed the cash withdrawals that showed up on the account. TFO Molina stated he would not always see the withdrawals. Sometimes Cpl. McCormick would take money and deposit it or withdrawal it for them, and money would be kept out of those transactions for cash needs.

I asked if TFO Molina would see a lot of cash withdrawals, TFO Molina stated sometimes three to five a month. TFO Molina stated, "The agents had government cards so they didn't need the cash withdrawals for gas or anything."

I asked about weapons that were turned in during the cases. TFO Molina stated when a gun was turned in his role was to get them in during the operation and figure out if they were stolen or not. He did not take part in the destroying of the weapons afterwards. TFO Molina explained the logging procedures for the evidence collections. TFO Molina was not sure of what Cpl. McCormick's role of was in destructions of weapons.

TFO Molina stated an FBI investigation was ongoing and he wasn't aware there was something going on. Cpl. McCormick reacted very suspiciously asking what TFO Molina was talking about. TFO Molina later found out there was a federal investigation going on and Cpl. McCormick was part of that investigation. TFO Molina found out that Brian

Moore told the ATF supervisor Dave Kamentz what had occurred with Cpl. McCormick and the videos of him removing property. TFO Molina stated Cpl. McCormick was removed from the task force and sent back to SCMPD.

TFO Molina stated, "Let me back up. Lovett resigned from the department because of the Trina Mayes incidents. Sometime between September 2013 and February 2014, I was approached by Cpl. McCormick and he told me, 'I bought the Chief a cell phone "dadada" and I think he is going to get in trouble for that cell phone because he may of gave it to Trina Mayes or something.'" TFO Molina continued stating the way he felt for Cpl. McCormick he didn't believe what he was saying. TFO Molina stated Cpl. McCormick asked him, "Where are the receipts for the cell phone?" TFO Molina replied, "Where they are supposed to be". TFO Molina stated by this time they had already moved the operation to a new warehouse and Cpl. McCormick did not have access or keys to the new location.

TFO Molina stated Cpl. McCormick told him, "You can go ahead and get rid of them, we don't need it. There are just going to be receipts that are going to fuck the Chief up over the Trina Mayes incident." TFO Molina stated he looked at him and was like, "This thing ain't gonna disappear, everyone knows I'm in charge of it." I asked TFO Molina if he wanted him to get rid of the cell phone receipts or all the receipts. TFO Molina stated, "All the receipts." TFO Molina stated there is a laptop with the Quick Books on it, on his desk. TFO Molina told Cpl. McCormick all the information is there on his desk. TFO Molina states Cpl. McCormick told him, "You can go ahead and get rid of that, we can just get a new computer and get rid of the receipts and that is that." TFO Molina was asked by Cpl. McCormick how far back the receipts go and TFO Molina told him all the way back to the Thunderbolt operation. TFO Molina stated he wanted to give him false information to get him to back off and he told Cpl. McCormick, "Yeah I'll get rid of them." TFO Molina stated once he left the area with Cpl. McCormick, TFO Molina went to Agent Brian Moore and told him, "Hey I don't know what's up with Cpl. McCormick but he wants me to get rid of all the receipts." TFO Molina told him he was going to get them moved out of the warehouse just in case he just finds his way into the warehouse and he tries to grab them. TFO Molina told Moore he was taking the receipts to his home to safe guard them in the interim. TFO Molina was than later approached by Agent Moore when the stuff started happening with the FBI and he asked TFO Molina if he still had the receipts and TFO Molina told him yes. Moore told TFO Molina to bring them in to Dave Kamentz and give them to him.

I asked TFO Molina about Cpl. McCormick asking him to get rid of the receipts. I asked if Cpl. McCormick ever told him who instructed Cpl. McCormick to tell him to destroy the receipts. TFO Molina stated yes, there was a second time that Cpl. McCormick told him to get rid of the receipts. TFO Molina stated a week or two after the first time Cpl. McCormick wanted him to get rid of the receipts. Molina stated, "He (Cpl. McCormick) nonchalantly came up to me and said, 'hey did you get rid of those receipts?'" TFO Molina responded to him, "I aint got no receipts." Cpl. McCormick then replied to him, "Enoch told me, when I told him what was going on that we had to take care of the Chief,

and Enoch said for me to take care of the Chief.” TFO Molina stated he said something like this: “Hey we got the receipts for the cell phone for the Chief? Cpl. McCormick responded, ‘What receipts?’ implying getting rid of the receipts. TFO Molina stated, We got that cell phone, and Cpl. McCormick stated, “What cellphone, what laptops?” TFO Molina stated he didn’t know if Cpl. McCormick was using Enoch’s name as leverage or as fact to make sure he took care of the paperwork. I asked if TFO Molina ever had any direct contact with Enoch about this incident. TFO Molina replied, “No.” TFO Molina found it suspicious that he referenced Enoch, but TFO Molina stated Cpl. McCormick spoke with Enoch a lot.

I asked if there was anyone in the command staff that Cpl. McCormick spoke with, TFO Molina stated he was always talking to Enoch.

I asked if there was anything else that he wanted to add that I hadn’t asked him about. TFO Molina stated I knew more about what was going on than him so at this time, “No.” I concluded by asking if to this date has anyone in the operation ever given Cpl. McCormick the authority or did anyone know about him taking the TVs and the money. TFO Molina stated, “No.” TFO Molina stated if there was anything taken or bought that was not case related Cpl. McCormick would say it was for the Chief. Items purchased such as cell phones, laptops, liquor, lunches and dinners. Cpl. McCormick would tell him he was entertaining the Chief and guests. I said a verbal answer from Cpl. McCormick was all that was needed.

I concluded the interview at this time. The audio recordings are now part of this file.

Monday August 11, 2014 (Hold placed on the investigation at request of Justice Department)

I submitted a request to interview ATF and other task force members in reference to this investigation. I received a call from Justice Department investigators stating they were involved in the investigation now and they requested we not conduct any other interviews with participants of the investigation until their investigation was complete. I advised Chief Tolbert of the request and ceased activity until they advised it was acceptable to continue.

Friday, December 12, 2014

I contacted the Savannah Office of the FBI and spoke with Agent Joshua Hayes. I requested help with obtaining his office’s records and evidence that was entered into the trial of Willie Lovett. I was specifically looking for information that identified any information that identified violations of SCMPD policy or violations of Georgia Law.

Agent Hayes stated he would speak with the US Attorney's Office to identify any such information and respond back.

Agent Hayes stated that he could produce the evidence, and that they would review what could be released. I was asked to draft a letter requesting the information and to direct it to the Supervisory Senior Resident Agent Gene Kowel.

Monday December 22, 2014

I drafted a letter to the SSRA in charge of the Savannah FBI office, Gene Kowel requesting the above listed information from the federal trial of Willie Lovett. A copy of the letter is now a part of this file.

Monday, January 5, 2015

I spoke with Special Agent Matthew L. McCloskey, U.S. Department of Justice Office of the Inspector General. Agent McCloskey was going to be in town to interview TFO (Task Force Officer) Molina and ATF agents involved in the investigation of TFO Cpl. McCormick. Agent McCloskey had requested prior to this incident that OPS not interview any of the ATF agents or personnel involved until they completed their investigation.

Monday, January 5, 2015

I received a response from FBI SSRA Gene Kowel along with a CD containing evidence gathered during the LOVETT investigation, including but not limited to interview transcripts, FBI FD-302s, and cellular telephone toll records. The CD and the letter response from SSRA Kowel is now a part of this investigative file.

Wednesday January 7, 2015

I reviewed the information forwarded by the FBI office in reference to TFO Cpl. McCormick's involvement with Lovett. There are multiple documents and toll records pertaining to several former and current officers with SCMPD identified with documentation.

The following information is record from the FD-302 dated 05/21/2015.

OFFICIAL RECORD

FD-302a (Rev. 05-08-10)

The Interview was conducted by FBI Agent Joshua Hayes interviewed at the Savannah, Georgia office of the Federal Bureau of Investigation (FBI) located at 220 East Bryan Street, Savannah, Georgia 31401.

Cpl. McCormick advised that Salvatore Nunziato is an undercover alias for ATF Special Agent (SA) Louis Valoze. The cellular telephone numbers associated with the Verizon Wireless account with the subscriber name of Nunziato are utilized by ATF undercover SAs and TFOs. Cpl. McCormick stated that the numbers are utilized by ATF SAs Louis Valoze, Brian Moore, and Ralf Bicknese; TFO Luis, TFO Molina and Georgia Department of Revenue SA Robert Flourney. Cpl. McCormick advised that he was unsure which SA/TFO utilized which number. Cpl. McCormick stated that he had the numbers programmed into his undercover phone and he did not have the phone with him at the time of the interview.

Cpl. McCormick was asked why one of the numbers was being utilized by former SCMPD Chief of Police Willie Lovett? Cpl. McCormick stated that sometime in 2013, Lovett asked Cpl. McCormick to provide him with an undercover cellular phone so that he (Lovett) could keep in contact with Cpl. McCormick and other undercover SAs/TFOs regarding the ATF's undercover storefront operations.

Cpl. McCormick stated that everything associated with the undercover storefront operation was sensitive in nature. At the time, the ATF had just taken down their storefront in Garden City, Georgia and were planning to open a new storefront somewhere else in Savannah. Cpl. McCormick thought it was not necessary for Lovett to have an undercover cellular phone, however, he was the Chief of Police and he asked for one so Cpl. McCormick secured one for him.

Cpl. McCormick contacted Verizon Wireless and ordered a phone for Lovett and put it on the existing account the other undercover phones were on. He then picked up the phone from a Verizon Wireless store and delivered it to Lovett's office. Cpl. McCormick then contacted Lovett and told him that he dropped the phone off for him at his office. During the time Cpl. McCormick purchased the phone for Lovett, he had direct document participants have digitally signed. All signatures have been verified by a certified FBI information system.

During the time Cpl. McCormick purchased the phone for Lovett, he had direct contact with Lovett regarding the ATF storefront operations. Additionally, all SCMPD TFOs reported directly to Lovett. Cpl. McCormick advised that he had no idea that Lovett was still using the phone following his retirement. Cpl. McCormick stated that he forgot that Lovett had the phone and if FBI SAs Joshua W. Hayes and Bradford Snider would not have told him about it, he still would not have known. Cpl. McCormick also advised that he would not have thought Lovett would have kept the phone following his retirement and continued to use it. Cpl. McCormick admitted that he should have remembered to discontinue the phone and the phone number after Lovett retired but he simply forgot. Cpl. McCormick advised that he would be the only person to know that Lovett had the phone and it was an oversight on his part that the phone was not shut off. Cpl.

McCormick advised that SCMPD Assistant Chief of Police Terry Enoch currently maintains oversight of all SCMPD TFOs.

In this official statement Cpl. McCormick states that he gave the undercover phone to Lovett during the Storefront operation. Cpl. McCormick stated upon Lovett's retirement in November 2013, he forgot that Lovett was still in possession of the ATF phone. During this official statement Cpl. McCormick told the agents the following information:

**Cpl. McCormick advised that he had no idea that Lovett was still using the phone following his retirement. Cpl. McCormick stated that he forgot that Lovett had the phone and if FBI SAs Joshua W. Hayes and Bradford Snider would not have told him about it, he still would not have known. Cpl. McCormick also advised that he would not have thought Lovett would have kept the phone following his retirement and continued to use it.*

The following phone numbers identify both Lovett and Cpl. McCormick's personal and departmental cell and home phone numbers:

Cpl. McCormick

- [REDACTED] (ATF Undercover Cell)
- [REDACTED] (ATF Cell)
- [REDACTED] (Personal Cell)

Lovett

- [REDACTED] (Lovett Home)
- 912-667-1811 (Lovett SCMPD Cell)
- [REDACTED] (Lovett Stolen ATF Undercover Cell)

The toll records collected by the FBI during their investigation show that Cpl. McCormick's statement was untrue. The records listed below identify Cpl. McCormick's contact with Lovett after his retirement September 27, 2013 utilizing the stolen ATF phone. The two calls listed below are recorded on the toll records as occurring on February 22, 2014. This is almost five months after Lovett's retirement.

The first call on 2/22/13 occurs at 12:48:00 hours. Cpl. McCormick calls from his personal cell phone to the stolen ATF phone in the possession of Lovett.

The second call listed in the toll records is two hours later. Lovett calls Cpl. McCormick and the conversation lasts for **7 minutes and 19 seconds**.

Date	Length	Source	Destination
02.22.2014 12:48:00 EST	0:00:40	[REDACTED]	[REDACTED]

Date	Length	Source	Destination
02.22.2014 14:56:00 EST	0:07:19	1- [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]

The stolen ATF phone was later **collected from Lovett's person during a search warrant at his residence in June 2014**. Lovett turned the phone over to the FBI and it was logged into evidence.

Wednesday, February 18, 2015

I contacted Cpl. McCormick and advised him I needed him to come to the OPS office for an interview in reference to the OPS investigation currently ongoing. He agreed and a time as set for 0930. I received a call from Cpl. McCormick's attorney Mr. Pate asking about what I was going to interview Cpl. McCormick about and to remind me that there was a Justice Department investigation currently being conducted. I informed Mr. Pate that the interview was going to be under Garrity and that this was in reference to the OPS administrative investigation. I advised him I would supply Cpl. McCormick with a copy of his Garrity form for their records.

Thursday, February 19, 2015 (Summary of the Cpl. McCormick interview)

I conducted an audio taped interview with Cpl. McCormick in reference to this OPS investigation. I began the interview by reading Cpl. McCormick the Garrity warning he stated he understood and signed the form, I also signed the Garrity form. The form is now a part of this file.

I explained that this investigation was centered on his assignment to the AFT task force position. I told him this stemmed from a complaint made to Chief Tolbert by ATF /RAC David Kamentz. Kamentz wrote an email to his supervisor, ASAC Ray Brown of the ATF Atlanta Field Division and explained the allegations against Cpl. McCormick stemming from his involvement with the storefront operation dubbed "Operation Pulaski". I explained this information was brought to the attention of the Chief of Police and assigned to OPS for investigation.

I asked about Cpl. McCormick's work history up until his current assignment. Cpl. McCormick has been an ATF task force officer for over nine years. Cpl. McCormick explained his responsibilities with his position. I asked if he was eventually involved with the store front operations. Cpl. McCormick stated he began working on the storefronts when they were in Brunswick, Statesboro and Augusta. I asked about his role in the operations and he replied that he was used intermittently to make buys and to come in and make deals, do surveillance and cover agents when they were involved in deals. I asked about the operations in Thunderbolt and Garden City. He stated Sgt. Tamargo was on the team in Thunderbolt and he switched out with Sgt. Tamargo as they began the operation in Garden City.

I asked if his role was a support role in Garden City or if he was running the operation. Cpl. McCormick stated he was "Part Time"; he had duties that were not involved with the storefront. I asked if Sgt. Tamargo was full time on the Thunderbolt operation, and Cpl. McCormick stated, "Yes". He said he wasn't doing anything at Thunderbolt. Cpl.

McCormick stated that he was, "Just going over there and hanging out, BS'ing around." Cpl. McCormick stated, "It was too close to the city and everybody knows him around here."

I said at some point Sgt. Tamargo rotated out and he was brought in to take over the administrative duties, I asked him to tell me how that happened. Cpl. McCormick responded that Sgt. Tamargo was clashing with the agents over there and he was brought in for his bilingual/ Spanish speaking needs. Cpl. McCormick said he was clashing with the lead agent Lou Valoze and so Sgt. Tamargo decided to leave and take a position at CNT. Cpl. McCormick stated he recommended TFO Molina as the Spanish speaking replacement for Sgt. Tamargo. I asked McCormick at this time did they give him responsibility over the churning account. Cpl. McCormick stated yes that Valoze and Belski decided to have both Sgt. Tamargo and him over the account in case Sgt. Tamargo was unavailable. Sgt. Tamargo and he shared this duty for a short period of time and then it was put in Cpl. McCormick's control only. I asked if this was the SunTrust account.

I asked him that with the account he received credit/ATM cards and checks. Cpl. McCormick stated yes. I asked how much money was normally in the account. Cpl. McCormick stated he heard at one time it was over \$800,000. I asked how much money was in the churning account while he had it. Cpl. McCormick guessed it was in the \$300,000 range. I asked if his responsibilities were to pay the bills such as rent utilities and such. Cpl. McCormick stated that and it was through the ATF, that he was to make sure they had supplies and covered the needs for the investigation. I asked if something came up he could purchase things for them or he would drop checks off for them. I asked what name the account was under and he stated his (UC) undercover name (Dwayne Chandler) Cpl. McCormick reiterated that he was only part time, that he would get calls to help with surveillance or help with operations they were doing. He stated he was still carrying his case load also. Cpl. McCormick stated he would leave the credit card with them (the agents) blank checks and the western union AMEX code for them to use to pay bills. I asked if he went out of town you would leave these for them to pay the bills. Cpl. McCormick stated, "Or I would get calls saying pay this bill, go pick up this or we need this." I asked if he was given a car when he went over to the storefront. Cpl. McCormick stated, "Yeah, at first I had that BMW then when Belski left they got me that Mercedes." Cpl. McCormick stated later on they said all these cars were going to go to the city. Cpl. McCormick stated when he learned they were turning all the cars over to the city, Cpl. McCormick said the city couldn't make the upkeep for a car like the Mercedes, so he went and traded it in for the Impala.

I asked when he purchased items if he kept the receipts, or how did he track what he was purchasing. Cpl. McCormick stated in Thunderbolt they had used an accountant and in Garden City TFO Molina was using Quick Books to track the purchases. I asked when TFO Molina was keeping the books would he give him the receipts for purchases he made. Cpl. McCormick stated, "Yes." I asked him, "All the time?" And he replied, "The majority, yes." Cpl. McCormick stated, "That's when stuff got a little crazy." He stated TFO Molina told him there is a lot of stuff coming in and out that I'm not familiar with so we need to get a tab on this. I asked what kind of purchases. Cpl. McCormick stated, "I don't know stuff agent Valoze and Bicknese were ordering on line." Cpl. McCormick stated TFO Molina told him, "Hey we need to change these accounts to our names, so that we don't get jammed up." Cpl. McCormick states he had a meeting with Valoze and told him his concerns and Valoze told him to, "Fuck TFO Molina and Brian, I ain't gonna do nothing to get you jammed up." Cpl. McCormick stated he was like, "Ok I'll just go

with the flow.” I asked what type purchases were on there that was in question, I asked if he knew what month that was that this occurred and Cpl. McCormick stated, “I can’t recall.”

I asked about the purchases of what they were all calling swag. I asked what swag was, and Cpl. McCormick stated knockoff shoes, purses, urban clothing, and things like that. Cpl. McCormick stated this is the part that I don’t understand. Cpl. McCormick stated they went to Los Angeles and purchased thousands of dollars of this stuff that came in containers to sell inside the storefront. Cpl. McCormick stated, “I don’t remember if I wrote the check and they used it or if they purchased it on with a check he gave them.” Cpl. McCormick again said he was just part time and he was still doing the Ceasefire cases and these guys ran the storefront. He said they stated this was for the customers “the bad guys” to come in and make purchases. Cpl. McCormick stated he did not know how the storefront actually worked. Cpl. McCormick stated the sales of these items turned into what they called the swag money, this came from the churning account. I asked him if he used this money to buy the water, coffee or things like that for the storefront. Cpl. McCormick kept saying THEY used the money for this to go to Sam’s club to buy beer and snacks and stuff. I asked, “You didn’t buy any of that stuff?” Cpl. McCormick stated, “I bought when we had the take down Lou sent me to Sam’s Club to buy refreshments for the ATF bosses in town, me and Tom Crawford but that was off the churning account, THEY used the swag money to buy the other stuff”. He said the swag was used for car washes, cutting the grass on the facility, the secretary used to use it to buy them lunches and stuff”.

I asked he got anything outta the swag. He said, “What do you mean get anything?” I stated shoes or clothing. Cpl. McCormick stated he would be there and they would say, “hey were getting lunch and I would get lunch with them.” Cpl. McCormick stated, “I used to go get the money for TFO Molina to get his gas.” He continued saying, “TFO. Molina didn’t have his credit card and stuff so I would fill his tank with the credit card or cash.”

I asked Cpl. McCormick again what his role was, I stated, “So you were **not** taking an active role in the storefront you were just paying the bills or helping when they needed help with surveillance and stuff.” Cpl. McCormick stated there were four people who worked at the storefront; he was not one of them. He stated he was doing his cases in at the office. “Ceasefire cases were coming in I didn’t have time to spend over there. I didn’t have time to be full time.” I asked when he would go to the storefront, would they always be there. Cpl. McCormick stated it depended on when it was. I asked what reasons you would have to go to the storefront when nobody was there. Cpl. McCormick stated, “If Brian would call and say there was a deposit to make, alarm would go off and they would be like ‘DMack’ your close go check that out.” Cpl. McCormick stated, “One time I tripped the alarm going to get TV’s out.”

I asked, “What did you go to the storefront to get TVs out for?” Cpl. McCormick stated, “Basically what happened was early on, I’m rewinding here. Back to Thunderbolt, Sgt. Tamargo used to deliver TVs to the PD and gave (Willie) Lovett TVs and stuff and it was approved through ATF”. I asked if this was when they gave TVs to the precincts and CID and stuff and Cpl. McCormick stated, “Yeah.” Cpl. McCormick stated, “From my understanding Sgt. Tamargo and the ATF used to deliver stuff to Lovett.” I asked him what kind of stuff they would deliver to Lovett. Cpl. McCormick stated, “To be specific liquor, male enhancement drugs, dick hard pills to be exact, TVs and stuff like that. In

Thunderbolt they were doing that.” Cpl. McCormick continued saying, “Lou said this was stuff at the end of the storefront they would give to the PD; stuff like that they would give Lovett and stuff.”

Cpl. McCormick stated, “Lovett called me and said two of the TVs they gave me went bad and I was like, I asked Lou what’s this thing about the TV, the TV we gave Lovett? Lou told me it’s OK to give it to him. I double checked with IA prior to this, in Thunderbolt I checked with IA about that.” Cpl. McCormick stated, “I spoke with Lt. Oliver about that. I asked Lt Oliver, you know hey man, they giving Lovett stuff can you look up and see if anything is a violation of that, it just was a concern. Lt Oliver was in Internal Affairs, I called him ‘Nut’ I think he was acting, he told me ‘there is nothing in policy it must be an ATF thing, as long as ATF approves it’s ok.” Cpl. McCormick stated Oliver didn’t like the fact Sgt. Tamargo was riding around in that Mercedes and he wished he could have gotten Sgt. Tamargo on some stuff. Cpl. McCormick stated, “He just said Yeah it’s OK.”

Cpl. McCormick stated, “Fast forward LT. That’s what Lovett called me about, he said his TVs gone, he said fuck it go ahead and give him two more TVs”. Cpl. McCormick told me that he told Valoze that he was going to “go later and get those TVs.” I went over this again stating, “Lovett called you and told you that two of his TVs went out? Cpl. McCormick stated, “Right.” I asked, “You turned around and called Valoze and told him that Lovett’s TVs went out?” He stated yes. I asked, “And Valoze told you to go ahead and give him two more? Yeah,” Cpl. McCormick stated, “I told him (Valoze) I was going to go later that he was busy.”

Cpl. McCormick stated, “I went over to the store, it’s not normal to go after hours, I checked the alarm go there early.” I asked why it was not normal to go there after hours. He stated, “Like I said the alarm would go off, and you would have to check the alarm and stuff, I would go after hours.” I asked if there were protocols in place about going to the storefront at night by themselves. Cpl. McCormick responded, “No, No.” I asked about the dangers of going to the building alone, bad guys could be watching knowing that guns and money move through there he could be robbed. Cpl. McCormick stated when the storefront went down they stayed over at the storefront, he said everybody in the community knew this is where the hot spot was at. Cpl. McCormick stated, “Ralph Bicknese worked there late at night by himself, Lou came in after hours, Naw there wasn’t a protocol in place that I knew of.” I asked Cpl. McCormick if the calls from Lovett came in to him sometime in November 2012. He stated, “I can’t recall yeah sometime around then.” He continued, “Yeah seeing the videos, when I tripped the alarm, we laughed about the video and that happened so long ago, we laughed about you tripped the alarm going in there to get the TVs.” Cpl. McCormick then stated, “You have to understand Lou was the case agent and inside the storefront they had distinction between Lou and Brian. Brian didn’t like what Lou was doing and Lou didn’t like what Brian was doing.” I asked what they didn’t like. He stated, “Lou is always right Brian is always wrong or Brian is always right and Lou is always wrong.” Cpl. McCormick’s point was that he always ran everything through Lou because he was the case agent. I asked who his supervisor was and Cpl. McCormick said Lou. I asked, “Even though you weren’t working in the store front at the time but part time?” Cpl. McCormick stated his supervisor was the RAC. I asked who that was and he stated Belski and Kamentz. I asked if Kamentz and Belski were his supervisors, the RACs, did he ever tell them about his issues or feelings about taking items and giving them to the chief or any of the concerns he had about other things. Cpl. McCormick stated, “Yes.” I asked who he talked to and

what did he tell them. Cpl. McCormick stated, "Lou did!" I said **did you** ever talk to them (the RACs) about it and Cpl. McCormick stated, "**No**, Not that I recall." I asked Cpl. McCormick, "Had you never went to them and said is this ok?" Cpl. McCormick stated, "I went to our Internal Affairs about it. When our Internal Affairs said it's an ATF thing I went to Lou and he said yeah it's the cities money they can do whatever they want."

Cpl. McCormick continued on and stated "I wasn't going to have anything to do with this store front (the new one) and that's when I turned all the money (churning account) over to the Georgia Revenue Department guy."

I told Cpl. McCormick to back up with me. Back to the video tape that he remembered, the one he says everyone laughed about. I asked him, "You went in and went into the safe?" Cpl. McCormick stated, "Yeah." I asked, "You take out cash?" Cpl. McCormick replied, "Yes." "Then you go into the electronics room and take the TV set?" I asked. "He replies "OK." I asked him, "You adjust the TVs to make the stack look right; slide them together so there is no void?" He stated, "Uh huh." Cpl. McCormick replied, "I was stacking. I can't recall I would need to look at the video. The cash itself Gavin, was the cash they said to use to go ahead and get Lovett his liquor." I said, "\$2,000?" Cpl. McCormick stated, "I didn't take no \$2,000." He said, "I remember Brian stating there were 2 or 5 thousand dollars missing from the safe, I didn't take no \$2,000, I took like a hundred dollars or so." I said so you remember that night taking the money from the safe, and he replied, "Yeah I remember that night." I asked if he remembered being on his cell phone and he stated, "I can't recall." I told him there was audio and video of that night. He replied "OK, OK."

I asked after he took the money and the TV's and left, did anyone approach him about that night, because they were all laughing and joking about it right, so who approached him about it. Cpl. McCormick replied, "Lou and them called me and said, 'Yo man you tripped the alarm, you was on video taking that stuff out' and he started laughing." Cpl. McCormick stated he said, "Yeah that was the TV and stuff you said it was OK to get for Lovett." Cpl. McCormick, stated, "Lou said 'yeah but uh.'" I asked McCormick who was he having this conversation with. Cpl. McCormick stated, "Me, Lou and Ralph." Cpl. McCormick stated Lou went on to tell him, "Bam is tripping". (Bam refers to Agent Brian Moore) Cpl. McCormick continued stating, "You know Brian is having a hissy fit about it." I asked if they told them what happened with the stack of TVs when they went to use them to pay with on a deal. I asked if they told him that the group of TVs was going to be used as a payment. Cpl. McCormick stated, "No No." I said, "They came up short?" Cpl. McCormick stated, "No cause they was selling TVs in there wholesale, TFO Molina got a TV, the guy from Atlanta got a TV, and John Cassada got a TV." I asked, "Did you get a TV?" Cpl. McCormick stated, "Yeah, I got a TV wholesale." I asked if he knew why the red flag went up and they pulled the video tape. Cpl. McCormick stated, "No." I asked how their conversation ended. Cpl. McCormick stated, "That was about it, they was laughing and joking about it." Cpl. McCormick stated, "I went to Bam and stated 'man what's your problem 'and Bam told him 'man that just looks suspicious.'" Bam also confronted him about money missing out of the safe, and Cpl. McCormick told him he told Lou about it and that he (Bam) needed to go talk to Lou about it. Cpl. McCormick stated, "And we went on business as normal, we went on months, months, months after that, deposits, business as usual, that's why I was somewhat confused about what was really going on."

I asked Cpl. McCormick, "If you went in there to get the TVs and you took the money to get liquor for Lovett, is that the way you were supposed to get liquor for Lovett?" Cpl. McCormick stated, "Yeah, they already told me, that wasn't the first time." I said him if he got liquor for Lovett and he again said, "Naw that wasn't the first time." I asked him how he could show receipts for purchases like that; how could he show taking that cash and buying liquor like that. "Where does that show up in your records?" I asked. Cpl. McCormick stated, "Yeah that wouldn't show, it was a part of that swag money and that was the money that was used for stuff like that. I told Lou, that Lovett keeps asking for liquor, he said just get the money out the swag account."

I asked how he differentiated between money that was in there as evidence from a deal and swag money. Cpl. McCormick stated, "Well they just had it stacked, on top. The swag money just was sitting there loose, loose money that wasn't even accounted for." I asked how he knew what was accounted for and what wasn't. Cpl. McCormick stated, "I didn't know, they just said the swag money is in the safe, in there stacked." I asked, "It didn't make you uncomfortable to just go in there and take cash out?" Cpl. McCormick stated, "No, we was all doing it all the time." I said, "I understand what everyone was doing, does that make it OK?" Cpl. McCormick stated, "No." I asked him if he had any issues going in and taking the stuff out. Cpl. McCormick replied, "At the time, no."

I went over what Cpl. McCormick stated about getting TVs and items for Lovett and then asked him about the other video where he again is at the storefront after hours and removed more TVs.

Cpl. McCormick stated "Yeah, those were my TVs. I gave Lou the money for my TVs, I paid for them. That's from the time I saw TFO. Molina with a TV in his car and he told me that we can buy them wholesale." I went over Cpl. McCormick's answer, that he bought TVs, paying Lou money and he was busy so went to get them after hours when nobody was there. Cpl. McCormick responded, "Yes, like I said it's not normal for us to go after hours." I asked how much he gave Lou for the TVs; he responded "I believe \$700 or \$800."

I asked Cpl. McCormick if he remembered after taking the second set of TVs that he returned again after hours and found that his key to the gate did not work. Cpl. McCormick responded that he did remember that. I asked if he knew why they changed the lock and did not give him a key. Cpl. McCormick stated he only returned that night because he had left his ID and wallet in the storefront. I told Cpl. McCormick I understood he left his credentials, but I asked again if he knew why or if anyone told him why his key did not work. Cpl. McCormick replied, "No, later on they told me they changed the locks." I asked if they told him why they changed the locks, he replied, "No." I asked him if he asked, he said, "No." I asked if they gave him new keys to get in the storefront and he stated, "No, I got the keys to the next store." I asked him when his key didn't work why he did not ask, 'hey where is my key?' Cpl. McCormick stated, "I called Lou, but he didn't answer, so I said forget it."

I told Cpl. McCormick he had already talked about buying things for Lovett through the churning account, I asked him about electronic equipment and if he had taken anything or purchased anything for Lovett like that, such as computers iPads. Cpl. McCormick replied, "Yes, I gave Lovett computers and iPads." I asked how many he gave him and he stated, "I can't recall, I can't remember, again Lieutenant everything I did I did through ATF approval. They made the statements we have to keep Lovett happy to keep these MOUs". I asked him if every time Lovett asked for something if he asked ATF

approval every time he went to get something for Lovett. Cpl. McCormick stated, "Yes every time, I asked the ATF guys." I asked him if it was anyone in particular and he said Lou. I asked if he asked anyone else and Cpl. McCormick said, "No." I asked, "You don't remember how many iPads you gave him?" Cpl. McCormick stated, "No, two or three." I asked him what about laptops. Cpl. McCormick stated, "I bought him a desktop. He (Lovett) said, 'man I need a computer', I bought a desktop, I asked Lou." Then Cpl. McCormick stated that it really pissed him off, the desktop he got Lovett was an all in one. Cpl. McCormick stated, "It pissed me off, I got it on that Wednesday and he (Lovett) resigned on like that Friday." I asked him if he was familiar with what was going on with him prior to him resigning and Cpl. McCormick stated, "No." Cpl. McCormick stated he knew the gossip, but he didn't know Lovett was going to resign. He stated he bought it after speaking to Lou and Lou told him to go ahead and buy it. Cpl. McCormick stated he went to Best Buy and bought the computer and when Lovett resigned he said he went to Lou and said, "That's fucked up, he let me get that computer and he knew he was gonna resign." Cpl. McCormick stated Lou told him, 'well he was good to us.' He stated, "I bought him (Lovett) a bag for a laptop." Cpl. McCormick stated, "I gave Lovett a laptop and I went to Lou and he told me I think there is one in the surveillance room and I went in there and Brian Moore was there and I asked him where the laptop was and Moore told me, 'Damn he just got one.'" Cpl. McCormick said he told Moore, "Man I don't know he wants one, and I took that one out of the room next to the wall."

I asked how many computers he gave Lovett, and Cpl. McCormick stated, "I don't know but I know back before me Sgt. Tamargo and them gave him a bunch of stuff." Cpl. McCormick then stated, "I think two laptops and the desktop."

I asked other than Lovett who else did he give equipment to. Cpl. McCormick replied (stuttering), "Years ago when I got the two TVs from Lou, Lou gave me two TVs during Thunderbolt, he gave me two TVs, I don't know where they came from, Lou told me, 'hey I got something for ya' and gave me two TVs." Cpl. McCormick stated those two TVs when to Olive (Lt. Andre Oliver) because he was doing work for me. I gave him the two TVs and that's it." I asked who else he gave equipment to, I asked if he gave anyone else on the police department equipment from the storefront and Cpl. McCormick hesitated and stated, "No." I asked if he bought anything else through the storefront account for Lovett. Cpl. McCormick told me, "Before I knew what was going on, they told me 'Wow' I had bought liquor for Lovett on the credit card and they said you can't buy liquor on the credit card, 'you can't do that'." Cpl. McCormick stated that was a mistake he made and they told him you can never do that.

I asked what about trips or hotel rooms, things like that. Cpl. McCormick stated d he paid for training and for undercover officers who were in town and things like that. All the things he stated were work related. I asked if there were any times he used the card for that was not work related. Cpl. McCormick stated besides getting the car detailed and buying gas, no. I asked if he took any trips for personal reasons and he said no.

I asked Cpl. McCormick to tell me about cell phones. Cpl. McCormick stated, "The cell phones were kinda crazy. The cell phones were all who was involved in the storefront." Cpl. McCormick went through all the people who had cell phones on the account, including Lovett. Cpl. McCormick stated, "Who could and could not have cell phones was up to Lou." I asked Cpl. McCormick what his number was and he stated he did not know, and then he said, "661- I can't recall." I asked him if it was [REDACTED] and he stated that was it. I asked if he supplied Lovett with a phone and Cpl. McCormick responded, "Yes, Lovett called me and said 'hey man I need a phone' cause we was calling Lovett

about signing MOUs and stuff. Lovett told me, can you get me a phone and I went to Lou and told him Lovett wanted a phone and Lou said 'for what' and I told him so he could have a direct line to us." Cpl. McCormick stated Lou authorized a phone for Lovett and he went and purchased the phone and delivered it to the Chief's office. I asked Cpl. McCormick if Lovett asked him for the phone or Lou, and Cpl. McCormick stated, "He asked me." I asked if he remembered when he got him the phone and he stated he didn't remember. I asked how many phones he bought Lovett and Cpl. McCormick stated a couple. "He called and said he broke one and I bought him another one," McCormick stated. I asked if he had more than one number and Cpl. McCormick stated that was his understanding. I told Cpl. McCormick, "It's not an understanding, you got him the phones you know if he had more than one line." I asked him if he paid the bill and he said yeah but he did not have the access to the account. He stated it was an add on to the line. I asked him, 'If you purchased the phones and you gave them to him, did you ever give him another line?'" He stated no. I asked if he knew if Lovett ever gave any phone to anyone else. Cpl. McCormick stated he bought the first phone from Target and the second phone from the place on Victory Drive. Cpl. McCormick stated, "One phone wasn't working and I went back to the Verizon Store and replaced it."

I asked, "You bought him the phones, and continued paying the bill for the phones and Lovett retires?" Cpl. McCormick stated, "If you look at it there were so many people assigned to that phone." Cpl. McCormick listed the people who had phones and stated Lovett's was forgotten and they just kept paying the bill. I stated, "Lovett retired in November and we paid for his phone all the way up to June of 2014?" I asked Cpl. McCormick if he gave Lovett anything else after his retirement and he stated, "No, I called him and said 'hey man I'm sorry for what happened to you, I appreciate your support and stuff like that. I remember one time he called me while I was eating it was like months later and he was just checking up on me, blah, blah just before all this stuff hits the fan.'" Cpl. McCormick said Lovett told him, 'People lied on me and back doored me.'" Cpl. McCormick stated, "Not turning off his phone was a mistake, I mean an oversight."

I asked Cpl. McCormick, "So you completely forgot that Lovett had a phone?" Cpl. McCormick stated, "Completely, I totally forgot, there was so much stuff going on at the time." I asked, "When did you first remember that Lovett still had a phone?" Cpl. McCormick stated when FBI agent Josh (Hayes) told him about it. Cpl. McCormick reiterated he did not remember until the agents told him. I asked him, "You never called him on that phone?" Cpl. McCormick stated when he retired I called him and he had two different numbers at the time, he had the city phone and that phone. Cpl. McCormick stated, "I called him on my personal phone and I called the city phone but that number was gone so I got his home phone number and called him then. He called me when I was at the restaurant with my girl on my personal phone and we talked, but I totally forgot he had the phone; I can't recall the number he called from, there was so much going on at the time." He continued, "Not that I wanted him to keep the phone, but we forgot to get the phone, or I mean turn off the line." I asked what he did when the FBI told him that he had the phone. Cpl. McCormick stated, "It was hush-hush at the time and I couldn't tell anyone." Cpl. McCormick stated only he and RAC Kamentz knew about the search warrant. I asked if the FBI recovered that phone. Cpl. McCormick stated, "yes", that he was told it was recovered from Lovett and the phone was in Lou's undercover name and Cpl. McCormick was paying for the bill through the churning account.

I asked, "Did you get iPads out of the storefront? He replied, "Yes, two or three." I asked, "For you?" Cpl. McCormick stated, "I got the one in Virginia for myself." I asked, "What do you do with the iPads after you're done?" He stated they go back to the city, the city owns them, and furniture, iPads, equipment all goes back to the city.

I asked what happened to the rest of the money that was in the account. Cpl. McCormick stated he got a cashier's check and gave it to the guy at revenue. I asked why the money went back to them. Cpl. McCormick stated, "That's when I realized things were messed up." Cpl. McCormick stated they were using him for the churning account, it was supposed to be state and Federal. He said, "They had me as a back stoppage, Sgt. Tamargo was gone and they needed me to keep this stuff going. They realized the bosses were on them to make it safe were going to do this with the department of revenue."

I asked him if he was the one who closed out the account, and Cpl. McCormick stated, "Yes." I asked if anyone else had access and he stated, "No." I asked, "What happened to the receipts for all the stuff you bought during the storefront?" Cpl. McCormick stated, "This is where there is confusion. I told TFO Molina that we need to start new with the new Chief (Tolbert) and assistant Chief (Enoch), we need to clean those books and start a new book." Cpl. McCormick stated he saw TFO Molina a couple weeks later and Molina allegedly told Cpl. McCormick, 'I'm glad we got rid of those books.' Cpl. McCormick stated he said, "Whoa! I was telling you to start a new one. I think that's when TFO Molina said he got rid of the books."

Cpl. McCormick stated he told him, "No I think you miss understood me, we need clean books were starting anew thing with a new Chief." I asked, "So you do remember having a conversation with TFO Molina about the receipts and the books?" Cpl. McCormick stated, "Yes." I asked him, "Why you think he believed you wanted him to get rid of the books?" Cpl. McCormick stated he didn't know. I asked him if he ever told TFO Molina that Enoch wanted him to clean up the books to help Lovett. Cpl. McCormick stated, no, then added, "I just said Lou and them are going to try to smooth Enoch over like they did Lovett and that aint gonna happen, they gonna have to play straight with this, that's what I told him."

I asked him, "With TFO Molina having that thought process did he ever tell you he took care of it?" He stated, "No I did not." I asked if he ever commented to TFO Molina about the receipts for the cell phone the Chief had. He again stated, "No that's all a lie."

I asked what he thought the breakdown was in the storefront. Cpl. McCormick stated, "I think it was obsession and greed. I think a lot of people were doing things that I was not aware of. The communication was broken." I explained to Cpl. McCormick the department and city process for making purchases and used a cell phone as an example. I told him to buy a cell phone I would have to go through several levels of approval, then I would need to bring the receipts back to be signed off on and then I would have the phone. I said the way they were buying and using the funds was wrong. I asked him if he ever questioned how or what they were all doing with purchases.

I continued asking him if he had any issue with the fact during this police operation when he took iPads home and bought TVs at whole sale prices did he not see a problem with any of these items being taken for personal gain. Cpl. McCormick stated, "I got the one from the guy in Virginia and I told him this was all equipment that came from the police operation with no accountability."

I told him he has spent the interview telling me how everyone took stuff and bought stuff, but I keep asking him what he took, I reminded him that I am interviewing him about his actions. A gift from the department doesn't happen, this is all work products. I asked Cpl. McCormick if he thought the way they were spending and taking items from this operation, if he thought that was the right thing to do. Cpl. McCormick responded, "Looking back on it, no." He continued and said that these guys were doing this and they were a model for storefronts all over the country. So he thought this was how it is done.

I asked Cpl. McCormick if when he goes into the storefront at night by himself, goes into the safe, takes a hand full of cash and a TV, and takes that hand full of cash and buy Lovett liquor, did that seem right to him. Cpl. McCormick stated, "No, it doesn't." I asked, "So when we take these things and give them to the chief, is that the way we operate?" Cpl. McCormick replied, "No." Cpl. McCormick stated, "It was practice, and policy didn't cover it. It was judgment calls, common sense thing."

I asked if there were times when he didn't keep receipts, Cpl. McCormick stated, "Yeah there were times we forgot or lost receipts." I asked if he got receipts for the liquor he bought Lovett. Cpl. McCormick stated, "Yeah, no that money came from the swag." I asked, "So you never accounted for the swag money?" He stated, "No." I asked how much swag money was on hand normally. Cpl. McCormick stated \$7,000 to \$8,000. I said \$7,000 to \$8,000 for you guys to go into and spend on anything you wanted to. Cpl. McCormick stated, "Yes." I asked, "What stops you from taking swag money and paying your electric bill at your house?" Cpl. McCormick stated, "Nothing. There was no oversight." Cpl. McCormick stated, "This was going on before me and up to the end." I asked him if he always used the swag money correctly. Cpl. McCormick stated, "Other than getting Lovett liquor, yes". I asked again that he did not remember that Lovett had the phone from when he retired in November until the FBI questioned him in June. Cpl. McCormick stated that was correct.

I asked Cpl. McCormick if there is anything that I didn't ask him that he wanted to tell me about. I asked him if he used the credit card or cash that was not operational and for personal use. He stated, "No, No, except for what he gave Lovett and Lt. Oliver." Cpl. McCormick stated, "There were nasty rumors that were going around that he (Oliver) killed himself because of the stuff I was involved in, that's what family members were saying about me." I asked, "Was there anything else that you were involved with, with Lt. Oliver that led him to this?" He stated, "No, and Oliver was out of his mind, he was sick and he turned on me. What he told everybody about me and he was sick and I couldn't tell anybody."

I concluded the interview at this time. I reminded Cpl. McCormick not to discuss this case with anyone. A copy of the complete recording is now a part of this file.

INVESTIGATION END

FACTS AND FINDINGS

- Cpl. Daryle McCormick was sworn in as a Task Force Officer in the Savannah Office of the ATF on September 6, 2005. On June 17, 2014 Cpl. McCormick was forced to turn in his credentials and resign from the ATF task force.
- TFO Cpl. McCormick was assigned to the ATF field office in Savannah. Cpl. McCormick's direct daily supervisor at the time of this incident was ATF RAC David Kamentz. Direct report at SCMPD from 2013 to present was with the Chief of Police.
- During his time in the TFO position McCormick worked Operation Ceasefire cases. McCormick worked part time as the account administrator of the storefront operation named "Operation Pulaski".
- Cpl. McCormick was placed as administrator over the storefront churning account that was opened at SunTrust Bank. He took over the churning account from Sgt. Tamargo on January 3, 2012. He became sole proprietor for this account. The credit card and checks were in Cpl. McCormick's undercover name, "Dwayne Chapman". The account was to be used for the furtherance of the investigation, i.e. rent, utilities, and miscellaneous needs.
- On June 16, 2014 Chief Tolbert was contacted by Asst. Chief Enoch and Cpl. McCormick wherein he requested to return to the department. Cpl. McCormick requested a position within (SIP) Savannah Impact Program. Chief Tolbert advised him if he gave her a letter stating he was leaving ATF in good standing then she would address his request.
- June 18, 2014 McCormick turned in his letter of resignation from SCMPD. Later the same day McCormick rescinded his letter of resignation
- On June 18, 2014 Chief Tolbert was contacted by ATF (RAC) David Kamentz and given some information about issues of theft and improper activity that were brought to his attention and the reason for Cpl. McCormick's removal from the Task Force. Kamentz supplied this investigator with copies of the videos.
- June 20, 2015 McCormick was placed on Administrative leave by Interim Chief Tolbert. His badge, weapon, vehicle, ID and equipment were collected from his residence.
- Storefront protocols set in place in place for safety and security reasons dictate that agents do not enter the storefront alone or after hours due to the clientele they attract. They are susceptible to robbery attempts and counter surveillance by suspects. The protocols were known to all those working in the storefront. Cpl. McCormick's actions were in violation of these protocols, putting him and the operation in danger. Cpl. McCormick stated he was not familiar with any protocols.

- Video #1 Friday, November 16, 2012: Cpl. McCormick enters the storefront operation in Garden City with his government vehicle (Black Tahoe) after hours, alone, utilizing his key to unlock the gate and enter the building. During this entry he trips the alarm. Cpl. McCormick goes into the "safe room" and removes \$2,000 in cash. Cpl. McCormick then enters the electronics room and removes a flat screen television from the floor pallet. Cpl. McCormick adjusts the pallet to remove the gap in the boxes. He is seen loading the TV into the rear of his Tahoe, exiting the gate relocking the gate and driving off. The ATF (RAC) advises his activity is undocumented and unauthorized and is theft.
- Video#2 Sunday, November 25, 2012: Cpl. McCormick is captured on video entering the gate at the storefront property. Cpl. McCormick then enters the building and he goes into the safe room and spends several minutes. Cpl. McCormick leaves the safe room and enters the electronics rooms where he again removes a television from the pallets and adjusts them to remove the gap. Cpl. McCormick loads the TV into his vehicle and trips the building alarm. He resets the alarm and exits to his vehicle and leaves the property. This Sunday entry was the second unauthorized undocumented removal of property from the storefront.
- Cpl. McCormick arrives again several days later after the second time removing property and finds the gate locks have been changed. Cpl. McCormick leaves after realizing the key does not work. At no time does Cpl. McCormick ask or challenge the fact his access is now denied to the storefront.
- TFO Molina takes inventory of the televisions for accountability of the storefront electronic on one specific occasion in November 2012. The TVs in the warehouse were accounted for because a transaction was to occur where the TVs were to be used as payment for weapons. The specific TVs were accounted for as part of this deal. When the deal went down the agents were short two televisions. The missing items trigger a review of the video surveillance that captures Cpl. McCormick entering the warehouse after hours, taking the cash and televisions without permission.
- Cpl. McCormick was confronted about the missing items and told the agents that they were requests from Lovett and he felt comfortable taking the items and the money, which was for liquor for other individuals. Cpl. McCormick reminded the agents that money and items in the storefront were property of SCMPD. Cpl. McCormick stated in his interview that he asked Valoze prior to taking the items; this is contrary to what was told by Kamentz and TFO Molina. Cpl. McCormick stated he did take cash, he believes "a couple hundred" and states, "I didn't take no \$2,000." There is no documentation or approvals for any use of cash nor receipts for use of the cash.
- Cpl. McCormick admits to taking or purchasing "two or three" new iPads from the storefront and giving them to Lovett. This was not documented nor was it a reported transaction.
- Cpl. McCormick stated he gave two storefront televisions to former OPS Lieutenant Oliver (one as a birthday present and one as payment for work on his

home) McCormick also stated he gave two televisions to Former Chief Lovett (Replacement for two others that were given from the storefront that no longer worked) There is no documentation for any transactions / serial numbers or authorizations giving McCormick authority to take or disburse the televisions. There is nobody assigned to the ATF task force operation that gave McCormick the permission to remove or give away any of the items.

- Cpl. McCormick admits to purchasing and/or taking several laptop computers and giving them to Lovett. This was not documented nor was it a reported transaction. No documentation exists to record or identify approval or what items he was given.
- Cpl. McCormick admitted to purchasing a new desktop computer and giving the computer to Lovett the evening before Lovett retired from the police department. McCormick was confronted by this investigator about knowing about the retirement the day after he gave the computer to Lovett, why didn't he attempt to get the computer back. Cpl. McCormick did not try to retrieve the computer.
- Cpl. McCormick supplied Lovett with several storefront purchased cellphones. A cell phone number was assigned to the phone utilizing the storefront cell phone account through Verizon Wireless. Cpl. McCormick ordered the phone and the phone line for Lovett.
- Cpl. McCormick gave Lovett the cell phone and upon Lovett's retirement he did not retrieve the phone. Lovett continued to use the phone after retirement (until June 2014) and Cpl. McCormick continued to pay the cellular bill out of the churning account.
- Cpl. McCormick was questioned by FBI agents during official criminal investigation about the cell phone. Cpl. McCormick stated he did not remember Lovett had the phone until they asked him about it during the interview. FBI had secured the phone records for Cpl. McCormick and Lovett. The records show as recently as February 2014 Cpl. McCormick had phone contact with the stolen ATF phone in Lovett's possession. There are calls records that identify the stolen ATF phone called Cpl. McCormick's personal cell phone and Cpl. McCormick's personal cell phone called the stolen ATF phone in Lovett's possession. This statement to the FBI was found to be false and lying to federal investigators is subject to criminal action.
- Cpl. McCormick admits he used storefront cash and the credit card to purchase alcohol for Lovett at different times.
- TFO Molina states Cpl. McCormick told him "to get rid of the receipts for the cell phones that the Chief may have given it to Trina" (Mayes) and "we don't need em anymore." Cpl. McCormick states this was as misunderstanding and that he did not want Molina to destroy the records.
- TFO Molina kept the records from Operation Pulaski at his residence and turned them over to RAC Kamentz at the onset of this investigation. The records have since been turned over to Federal investigators for an ongoing investigation.

- Cpl. McCormick submitted and signed a document to Interim Chief Tolbert stating he wished to return from the ATF task force voluntarily and that he was leaving in good standing. This is after McCormick was told he was not allowed to return to the ATF office and that he was not leaving in good standing.



SAVANNAH CHATHAM POLICE
METROPOLITAN

Office of Professional Standards

SECTION 2

Complainant Interviews

* David Kamentz – Resident Agent in Charge, Savannah ATF
Email- Complaint against McCormick outlined (email attached)

Julie Tolbert

From: [REDACTED]
Sent: Wednesday, June 18, 2014 5:07 PM
To: Julie Tolbert
Cc: [REDACTED]
Subject: Per your request.
Attachments: Daryle McCormick Resignation (2).pdf

Importance: High

Chief Tolbert,

I wanted to get this information to you as soon as possible. We (ATF Atlanta Field Division) have the greatest respect of you, and the men and women of your department!! I apologized that I am having to bring this information to your attention. This has been very painful for all involved. I have notified our IAD and have been advised that our internal folks have a previously established and outstanding working relationship with your IAD. Please let me know if you need anything additional, as this unfortunate episode works its way through the necessary process.

V/R,

Ray R. Brown

Assistant Special Agent in Charge
ATF Atlanta Field Division

Office: [REDACTED]
Direct: [REDACTED]
Cell: [REDACTED]

From: Kamentz, David M.
Sent: Wednesday, June 18, 2014 3:29 PM
To: Brown, Ray R.
Subject: Management Referral - Resignation of ATF TFO Daryle McCormick
Importance: High

Background Information:

ATF TFO Daryle McCormick came to ATF as a Corporal with the Savannah Chatham Metropolitan Police Department (SCMPD). He executed his Oath of Office on September 6, 2005. On June 17, 2014, TFO McCormick turned in all of his assigned accountable property and tendered a letter of resignation in which he requested to return to SCMPD.

On August 19, 2010, the Savannah Field Office initiated a storefront operation titled Operation Pulaski (771040-10-0081). TFO McCormick's primary role was as a cover officer for the undercover agents. Other personnel included SA Louis Valoze, SA Ralf Bicknese, SA Brian Moore, ATF TFO Luis Molina, SCMPD Sgt. Armando Tamargo and Georgia Department of Revenue (DOR) Agent Ron Hukaby. The storefront was conducted in partnership, with MOUs, with DOR and SCMPD. During the initial phase of the operation, the DOR agreed to pay for all expenses related to the lease, utilities, equipment and miscellaneous expenses related to furtherance of the case. The majority of the money was derived from investigative proceeds gained from a state churning account and DOR was responsible for oversight related to the account. As the administrator of the funds, DOR could approve of any expenditures related to and in furtherance of the overall case. During the investigation, DOR decided to relinquish this responsibility to the SCMPD and entered into a signed agreement with the department that designated SCMPD Chief Willie Lovett as the administrator for the account. Subsequently, Sgt. Tamargo became responsible for the payment of the items described above and was provided a credit card and checks to facilitate this. The credit card and checks were in the name of Sgt. Tamargo and he maintained sole signature authority of the checks. In addition, SCMPD hired an independent accountant to oversee the account. Per the agreement, administrative expenditure authority was assigned to Chief Lovett and Sgt. Tamargo had discretionary responsibility to purchase items as needed. In 2011, Sgt. Tamargo left the investigation to take a position with the Chatham County Narcotics Task Force. Due to this transfer, the above responsibilities were designated to TFO McCormick. As part of the storefront operation, investigative props were brought in and actively used in the investigation. Some of the items included counterfeit clothing, shoes, purses, etc.... In addition, electronic items such as televisions, iPads, Xbox machines, Playstations, blenders, juicers, etc... were obtained and used in bartering for illegal / illicit items.

The following is based on information I, David M. Kamenz, have received since Friday, June 13, 2014. Any information later determined to have slight inaccuracies may be the result of unexpected questions and answers exchanged between myself and the involved parties of events that occurred in 2012. In addition, from approximately September 2012 – December 2012, the office was being supervised by an Acting RAC Toby Taylor.

In November 2012, a series of incidents occurred that resulted in TFO McCormick being denied further access to the warehouse. As it relates to the storefront operation, TFO Molina explained that he would conduct an inventory of the property and specifically recalled suspicious activity related to the televisions. TFO Molina stated he would count the number of televisions as they came off the delivery truck to insure that the driver did not steal anything during transport. On one occasion, he completed his count and requested SA Moore to confirm his finding. The televisions were pre-ordered by defendants who were willing to exchange the televisions for firearms. When the time came to conduct the transaction, he noticed two of the televisions were missing. He originally thought that another agent used the televisions as part of another undercover transaction. He then recalled this happening a second time and remembered the shrink wrap around the televisions had been cut. He believed either two or three televisions were missing during the second discovery. According to SA Moore, he believed that there was an alarm activation at the warehouse during a time when no agents / TFOs were working. He and the other agents received the notification from the alarm company. At a later time, SA Moore came to the warehouse and nothing immediately appeared to be out of the ordinary. SA Moore stated he had conducted a UC operation in which several thousands of dollars were taken into custody and placed in an onsite vault for safekeeping. This money would typically be rolled back into the churning account and used in furtherance of the case. When SA Moore went to retrieve the money, he discovered approximately \$2,000.00 missing. He then went to the warehouse recording device and copied a section that showed TFO McCormick entering the warehouse and entering the room where the safe was located. Afterwards, TFO McCormick is seen entering the room where televisions are stored and removing a 60" television. TFO McCormick takes the television to his vehicle and departs the warehouse. The video also

has audio and although it cannot be seen, one can hear TFO McCormick unlocking the safe. SA Moore advised the other agents and showed them the video. SA Bicknese proceeded to a store and obtained another lock for the entry gate. All agents and TFO Molina recall watching a later video that showed TFO McCormick attempting to gain access again the following night and departing the location after determining his key did not work and the lock had been changed. SA Valoze and SA Bicknese decided to confront TFO McCormick regarding the events and in doing so, TFO McCormick explained to them that he was directed by Chief Lovett to get the television and the money was also taken on behalf of Chief Lovett. Specifically, Chief Lovett asked TFO McCormick to purchase items, including alcohol, for other individuals. TFO McCormick also reiterated that the investigative props were the property of SCMPD as well as the money so he felt comfortable with what he had done. It should be noted that from this day to the present, TFO McCormick never requested access to the warehouse nor did he ever question the agents about why his access had been denied. In addition to the items listed above, I have been advised that iPad(s) were missing but nothing directly reflecting that TFO McCormick is responsible for this.

In addition, both TFO Molina and SA Moore have advised that they would receive and go through the monthly credit card statements and noticed many questionable charges to include an expensive car detailing, multiple gas purchases on the same date, repeated charges for dining, a charge for a computer and hotel charges unrelated to the case but to areas that TFO McCormick was known to have visited for personal reasons. The statements were used to manage the state churning account and a monthly reconciliation was performed at the end of the month. TFO Molina and SA Moore recall confronting TFO McCormick, about the above charges, on at least 5 occasions and each time, he would justify his actions by stating it was at the request or knowledge of the Chief and even stated he was not worried because he was protected. In addition, TFO Molina recalled TFO McCormick telling him he needed to destroy the documents / statements and TFO Molina said he would never destroy them in case anyone ever came back to accuse him of wrongdoing. In another instance, after Chief Lovett retired, TFO McCormick told TFO Molina that current SCMPD Assistant Chief Terry Enoch ordered him to destroy the documents in order to protect the former Chief.

In May 2014, I received a call from FBI Supervisory Special Agent (SSA) Gene Kowel advising that they were investigating a case involving former SCMPD Chief Willie Lovett and had questions specifically for TFO McCormick. SSA Kowel advised they had executed a search warrant at the residence of Chief Lovett and had questions related to the cellular phone that was seized. Specifically, Chief Lovett denied owning a cell phone even though one was recovered during the warrant. A subpoena was issued and the information returned reflected TFO McCormick was paying the bill, via credit card, and did so through February 2014. SSA Kowel explained that he felt this was unusual since Chief Lovett submitted his retirement letter, amid allegations of sexual harassment, in September 2013. I told SSA Kowel that I had no direct knowledge regarding this but could get the information and relay it back to him. SSA Kowel asked if I could do this covertly and I advised that I could not without causing suspicion. SSA Kowel inquired as to how I would attempt to get the information and I told him I would ask TFO McCormick or SA Valoze. SSA Kowel requested that I not look into the matter and he would be in touch as to how they would proceed. SSA Kowel asked if I would be surprised to see restaurant charges on the credit card statement and I responded that I would not because it was an SCMPD account and Chief Lovett was the administrator of the account and no ATF personnel had direct access to make purchases. SSA Kowel also asked if I would be surprised to know that TFO McCormick was speaking with Chief Lovett after he left the department and I replied it did not surprise me and TFO McCormick had advised me when he spoke with Chief Lovett. Due to the sensitive nature of this case, I relayed the above information to ASAC Ray Brown with the request from SSA Kowel that no referral be made to ATF Internal Affairs Division since they could not determine if there was a connection with TFO McCormick and Chief Lovett.

The next morning, two ATF agents were in my office and TFO McCormick came in and stated he was going to the FBI. He said FBI Agent Josh LNU, told him that he would be mutually interested in a case he was working on. TFO McCormick then made the comment, in sum and summation, "Which one of you called the FBI on me or knows what is going on?" He then said he wanted to look in everyone's eyes and he wanted them to repeat the statement, in sum and summation, "I don't know anything about this." He went to both agents and myself and once we completed this, he stated he believed us and was heading to the FBI office. Upon his return, he closed my office door and he stated that was questioned about why he continued to pay for the phone bill of the retired Chief and he advised that he had forgotten about the phone. TFO McCormick advised me that everything was in good standing and I relayed this information to ASAC Brown.

A day or two later, TFO McCormick called me, after duty hours, while I was at my residence. The purpose for the call was TFO McCormick wanted me to help him in getting a formal apology from the FBI for thinking he was involved with Chief Lovett. I advised that I would not assist him with this and reminded him that he told me that he simply answered the questions and everything was fine. I concluded the conversation by letting him know that his request was unreasonable and I would not pursue this matter any further.

The following morning, I was standing with ATF IA Jennifer Rodriguez when TFO McCormick came in the office and asked to have a meeting with me. He closed the door and said he had been thinking about our conversation from the previous night and was adamant about receiving a formal apology from the FBI. I reiterated that I would not go into this matter any further nor would I discuss it with FBI personnel. I told him the FBI had the right to ask questions regarding any criminal matter they were investigating. I then asked him if he ever went back to apologize to anyone he interviewed in his cases who he learned later had no connection to the case at all. He commented that when put like this, he understood and would drop the matter.

On Friday, June 13, 2013, TFO McCormick came into my office and was upset that he received a call from DOR ASAC Robert Flourney telling him that he forgot to shut off the phones that the FBI had interviewed him about and he would disconnect the lines. In addition, TFO McCormick was upset that SA Moore knew about the FBI interview and insisted that I hold an office meeting to tell everyone that it wasn't a big deal and proclaim his innocence in the case. I responded that I would not hold an office meeting and reassured him that I had not told any agents about the interview. He insisted that he was abiding by the FBI gag order and had not told any agents either. I then suggested to him that he confront SA Moore on his own and ask that he cease discussing this matter. TFO McCormick refused and insisted that I hold a meeting for everyone and tell them at the same time. I told him I would speak with the agents on an individual basis as I encountered them throughout the day. TFO McCormick agreed and shortly afterwards, TFO McCormick left the office.

I asked SA Moore to come in my office and asked if he is was aware of TFO McCormick and his interview at the FBI Office. SA Moore replied that he was and said he was told this information by FBI Agent Brad Snyder. They were discussing another case matter and SA Snyder made a brief mention of TFO McCormick being at the FBI Office to answer questions related to the phone recovered from Chief Lovett. SA Moore then advised SA Valoze and SA Bicknese of this information. I proceeded to tell SA Moore that it was not a big deal and TFO McCormick was cleared of any wrongdoing. SA Moore then shut my door and begin to explain the November 2012 incident involving the theft of the money and 60" television. SA Moore also spoke of the inappropriate charges and the failed intervention from SA Valoze and SA Bicknese. I told SA Moore that although this incident occurred prior to my arrival, TFO McCormick could no longer return to the ATF Office. I asked SA Moore to let SA Bicknese know that I wanted to speak with him. As SA Moore proceeded towards the general office space, I received a call from TFO McCormick stating that he was serious about having an office meeting to clear his name. I told him that I had already advised SA Moore to cease discussing this and

would make certain that everyone stopped talking about. TFO McCormick agreed and thanked me for handling it.

SA Bicknese and SA Moore waited outside of my office during the time TFO McCormick had called. Once I disconnected the phone, SA Bicknese walked in and closed the door. I advised that SA Moore had provided information regarding questionable activities involving TFO McCormick and SA Bicknese confirmed everything SA Moore had advised and added additional details to each incident. In addition, SA Bicknese stated that SA Moore and TFO Molina had previously insisted on reporting the incidences but because of the amount of time SA Valoze, TFO Molina and himself spent working together, they felt they could convince him to cease in his behavior pattern. SA Bicknese also stated that each time he confronted TFO McCormick, he would always justify his actions by saying Chief Lovett authorized or requested the items.

Over the weekend, I was able to evaluate and process the information, and I complete my fact finding by speaking to Operation Pulaski, Case Agent Valoze, who had been away from the office on an extended work detail. On June 14th, I received a call from SA Valoze confirming much of the information provided by other members of the Pulaski investigative team. SA Valoze was apologetic but also explained that he based his actions on their years of friendship and trust and never imagined that TFO McCormick would continue to act in a reckless manner. SA Valoze added that he warned TFO McCormick, on multiple occasions, to exercise discipline as it relates to the credit card charges and TFO McCormick would always justify it by stating it was SCMPD money & property and he was authorized by Chief Lovett to act in the manner he did.

On Monday, June 16, 2014, I met with TFO McCormick at Forsyth Park. During the meeting, TFO McCormick repeatedly insisted that he did nothing wrong and everything he did or purchased was at the order of Chief Lovett or knowledge of ATF Agents. I only addressed the credit card charges and 60" television with TFO McCormick. For fear that TFO McCormick could harm himself, I explained that I had a plan that may allow him to return back to the police department. I specifically asked him if I was to forgive him and continue let him work in my office, could he do so knowing that someone had provided information about him? TFO McCormick stated he could not and I told him for this reason, I would accept his resignation and advise his department that he was returning because he could no longer work with certain ATF employees. After approximately 1 ½ hours, I escorted TFO McCormick to his JLEO vehicle and requested he immediately turn over his credentials, credit card, office key, building access cards and PIV card. I advised him he could not return to the office without my prior authorization and we would get the rest of his equipment at a later time.

I then notified ASAC Brown of the above incidences.

DAVID M. KAMENTZ
RESIDENT AGENT IN CHARGE
ATF SAVANNAH

OFFICE# ([REDACTED])
DIRECT# ([REDACTED])
CELL# ([REDACTED])





SAVANNAH CHATHAM POLICE
METROPOLITAN

Office of Professional Standards

SECTION 3

Witness Statements

*Armando Tamargo- Resigned, (Audio taped Statement)



SAVANNAH CHATHAM POLICE
METROPOLITAN

Office of Professional Standards

SECTION 4

Witness Officer Statements

* APO Louis Molina -SCMPD, currently assigned to the ATF Task force (Audio recorded statement)



SAVANNAH CHATHAM POLICE

Office of Professional Standards

SECTION 5

Subject Officer Statement

*Corporal Daryle McCormick – Assigned to ATF Task Force
Currently on Administrative Leave

- (1) Garrity Warning
- (2) Audio Taped Statement
- (3) Photograph -Personnel information

Discipline History

* No Sustained Complaints



SAVANNAH CHATHAM POLICE

METROPOLITAN

Chief Joseph H. Lumpkin, Sr.

NOTIFICATION OF ADMINISTRATIVE INVESTIGATION

TO: Cpl. Daryle McCormick
FROM: Lt. Robert Gavin
DATE/TIME: 02/19/2015
RE: OPS Investigation 2140622

You are hereby notified that an administrative investigation is being conducted to determine if your actions in the incident outlined below constitute a violation of Department Policy and/or Procedures.

COMPLAINANT'S NAME: Internal
LOCATION OF INCIDENT: _____
DATE OF INCIDENT: 06/20/2015
ALLEGATION(S): Conduct , thruthfulness, knowledge of rules and laws

GARRITY WARNING

You are being questioned as part of an official administrative investigation by the Savannah-Chatham Metropolitan Police Department. You will be asked questions specifically, directly, and narrowly related to the performance of your official duties or fitness for duty. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this State and the Constitution of the United States, including the right not to be compelled to incriminate yourself. If you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental discipline that could result in the termination of your employment. If you do answer questions, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings regarding the matter being investigated. However, if you provide false or misleading statements or information in this investigation, such evidence may be used against you in any subsequent criminal proceeding. All statements may be used against you in relation to any subsequent disciplinary action.

I have read and understand the information above. My statement is being given pursuant to a Departmental administrative investigation.

SIGNATURE: [Signature] DATE: 2-19-15 TIME: 0930
WITNESS: [Signature] DATE: 2/19/15 TIME: 0930



SAVANNAH-CHATHAM POLICE METROPOLITAN

Cpl Daryle McCormick - Personal Info

Home Address : [REDACTED]

Assignment (Unit) : Investigative Division

Emergency Shift : B-1

Work Phone : 650-6550

Home Phone : [REDACTED]

Contact Phone : [REDACTED]

Contact Name : [REDACTED]

Comments :

Shift :

Days Off :

Cell Phone : [REDACTED]

Pager :

Relationship : Friend

Last Name : McCormick

First Name : Daryle

Middle Name :

Surname (Jr, III) :

Rank (lookup) : Cpl

Title (Civilian) :

Badge Number : 0

Sworn / Civilian : Sworn

Street Number : [REDACTED]

Street Direction :

Street Name : [REDACTED]

Street Type : [REDACTED]

Apt Number :

City : [REDACTED]

State (lookup) : [REDACTED]

ZIP : [REDACTED]

Payroll Number : 01253

Activity :

Social Security : [REDACTED]

Birth Date : [REDACTED]

Operator License # : 039675874

Employ Date : 11/25/1996

Licensing State : GA

Term Status :

License Expires : 10/19/2003

Term Date :

Eye Color :

Hair Color :

Race : Black

Sex : Male

Height :

Weight :

Degree Earned : Masters

College Hours : 180

Image Date : 12/28/2000

Photograph : (rich text field)

1253.jpg 1253.jpg





SAVANNAH CHATHAM POLICE

June 20, 2014

Cpl. Daryle McCormick

Savannah-Chatham Metropolitan Police Department

Office of the Chief of Police /ATF Task Force

Savannah, Georgia

Cpl. McCormick

Effective **June 20, 2014**; you are placed on Administrative Leave **with pay** until further notice from the **Internal Affairs Unit**. During the time you are on Administrative Leave with pay, you are directed to remain at your residence during duty hours: 8:00 a.m. to 5:00 p.m., Monday through Friday. You are directed not to engage in law enforcement duties or participate in any off-duty employment. Any periods of absence from your residence during your duty hours must be preauthorized, by the Internal Affairs Office, Commander Lieutenant Robert Gavin, or designee.

You are not allowed to discuss this case with anyone except members of the Internal Affairs Unit. You are not allowed to enter any SCMPD City/County facility. You are only authorized entry into these facilities under the escort of a member from the Internal Affairs Unit, or designee. You are to notify the Internal Affairs Unit if anyone attempts to discuss this case with you.

Administrative Leave with pay is not an excuse to miss court. If you are scheduled for a court appearance, you **MUST** attend.

Daryle McCormick

Officer

DATE: 6-20-14

Department Head or Bureau Chief
Savannah-Chatham Metropolitan Police Department

DATE: 6/20/14



SAVANNAH CHATHAM POLICE

Office of Professional Standards

SECTION 6

Official Document

- (5) Letter turned in, signed by Cpl. McCormick stating leaving ATF task force in good standing
- (6) Cpl. McCormick's statement to FBI
Letter identifying the information release from FBI
- (7) Phone records for McCormick / Lovett. Identifying calls to and from stolen ATF cell phone in Lovett's possession to McCormick's personal phone
- (8) Tamargo Email / from Valoze to multiple recipients outlining parameters for storefront operation
- (9) Video Surveillance / DVD's / Photographs of McCormick

DARYLE MCCORMICK

June 17, 2014


Resident Agent in Charge
56 Park of Commerce Blvd, Suite B
Savannah, Georgia 31405

Dave:

This letter confirms our conversation yesterday in which I informed you of my request to return to my police department, Savannah-Chatham Metropolitan Police Department. Per our conversation yesterday, I am leaving in good standing with the Bureau of Alcohol, Tobacco, and Firearms (ATF). As of today, I will have submitted the requested items to your possession and will obtain my personal belongings.

I appreciate the opportunity afforded me to work with the Bureau of Alcohol, Tobacco, and Firearms (ATF) for the last 10 years.

Respectfully,



Daryle McCormick



U. S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. 194C-AT-2821092

220 East Bryan Street
Savannah, GA 31401

January 5, 2015

Via Email

Lieutenant Robert Gavin
Savannah Chatham Metropolitan Police Department
Office of Professional Standards
RGavin@Savannahga.Gov

RE: Evidence/Documentation Request

Lieutenant Gavin,

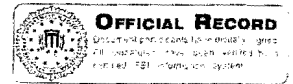
In response to your request dated December 22, 2014 requesting evidence/documentation from the FBI's investigation of WILLIE CLINTON LOVETT, my office forwarded a compact disc (CD) under separate cover to you for your review. The CD contains evidence gathered during the LOVETT investigation, including but not limited to interview transcripts, FBI FD-302s, and cellular telephone toll records.

Should you have any questions regarding this matter, please contact Special Agent Joshua W. Hayes at office telephone number (██████████) ██████████ cellular telephone number (██████████) ██████████ and/or email address ██████████

Sincerely,

s/ Eugene S. Kowel
Supervisory Senior Resident Agent
Federal Bureau of Investigation
Atlanta Division, Savannah RA

cc: SA Joshua W. Hayes, FBI
cc: Chief Joseph H. Lumpkin, Sr., SCMPD



UNCLASSIFIED//FOUO

FEDERAL BUREAU OF INVESTIGATION

Date of entry 07/08/2014

Daryle McCormick, black male, Savannah/Chatham Metropolitan Police Department (SCMPD) Officer and Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Task Force Officer (TFO), cellular telephone number (912) 655-6519, was interviewed at the Savannah, Georgia office of the Federal Bureau of Investigation (FBI) located at 220 East Bryan Street, Savannah, Georgia 31401. After being advised of the identities of the interviewing agents and the nature of the interview, McCormick provided the following information:

McCormick advised that Salvatore Nunziato is an undercover alias for ATF Special Agent (SA) Louis Valoze. The cellular telephone numbers associated with the Verizon Wireless account with the subscriber name of Nunziato are utilized by ATF undercover SAs and TFOs. McCormick stated that the numbers are utilized by ATF SAs Louis Valoze, Brian Moore, and Ralf Bicknese; ATF TFO Luis Molina, and Georgia Department of Revenue SA Robert Flourney. McCormick advised that he was unsure which SA/TFO utilized which number. McCormick stated that he had the numbers programmed into his undercover phone and he did not have the phone with him at the time of the interview.

McCormick was asked why one of the numbers was being utilized by former SCMPD Chief of Police WILLIE LOVETT? McCormick stated that sometime in 2013, LOVETT asked McCormick to provide him with an undercover cellular phone so that he (LOVETT) could keep in contact with McCormick and other undercover SAs/TFOs regarding the ATF's undercover storefront operations. McCormick stated that everything associated with the undercover storefront operation was sensitive in nature. At the time, the ATF had just taken down their storefront in Garden City, Georgia and were planning to open a new storefront somewhere else in Savannah. McCormick thought it was not necessary for LOVETT to have an undercover cellular phone, however, he was the Chief of Police and he asked for one so McCormick secured one for him. McCormick contacted Verizon Wireless and ordered a phone for LOVETT and put it on the existing account the other undercover phones were on. He then picked up the phone from a Verizon Wireless store and delivered it to LOVETT's office. McCormick then contacted LOVETT and told him that he dropped the phone off for him at his office.

UNCLASSIFIED//FOUO

Investigation on 05/21/2014 at Savannah, Georgia, United States (In Person)File # 194C-AT-5135742, 194C-AT-2821092Date drafted 05/22/2014by Joshua W. Hayes, SNIDER BRADFORD

UNCLASSIFIED//FOUO

194C-AT-5135742

Continuation of FD-302 of Interview of Daryle McCormick on 05/21/2014, On 05/21/2014, Page 2 of 2

During the time McCormick purchased the phone for LOVETT, he had direct contact with LOVETT regarding the ATF storefront operations. Additionally, all SCMPD TFOs reported directly to LOVETT. McCormick advised that he had no idea that LOVETT was still using the phone following his retirement. McCormick stated that he forgot that LOVETT had the phone and if FBI SAs Joshua W. Hayes and Bradford Snider would not have told him about it, he still would not have known. McCormick also advised that he would not have thought LOVETT would have kept the phone following his retirement and continued to use it. McCormick admitted that he should have remembered to discontinue the phone and the phone number after LOVETT retired but he simply forgot. McCormick advised that he would be the only person to know that LOVETT had the phone and it was an oversight on his part that the phone was not shut off.

McCormick advised that SCMPD Assistant Chief of Police Terry Enoch currently maintains oversight of all SCMPD TFOs.

UNCLASSIFIED//FOUO

Telephone Numbers

McCormick

- [REDACTED] 5-[REDACTED] (ATF Undercover Cell)
- [REDACTED]-[REDACTED]-[REDACTED] (ATF Cell)
- [REDACTED]-[REDACTED]-[REDACTED] (Personal Cell)

Lovett

- [REDACTED]-[REDACTED]-[REDACTED] (Lovett Home)
- 912-667-1811 (Lovett SCMPD Cell)
- [REDACTED]-[REDACTED]-[REDACTED] (Lovett Stolen ATF Undercover Cell)

Searched-Value	Account Number	Last Name	First Name	Middle Name	Business Name
	222931004-1	NUNZIATO	SALVATORE		

Contact Last Name	Contact First Name	Contact Middle Initial	Phone No.1	Phone Type1
NUNZIATO	SALVATORE		<div></div>	H

Zip Code	Country	mtn	Original Set-Up Date	Disconnect Date	Type
314044476	USA		6/25/2013		Postpay

Date	Length	Source	Destination
04.24.2012 10:00:00 EDT	0:00:26	1-██████████	1-912-667-1811
05.23.2012 11:29:11 EDT	0:00:00	1-██████████	1-912-667-1811
05.23.2012 12:42:18 EDT	0:01:00	1-912-667-1811	1-██████████-██████████
05.23.2012 12:51:55 EDT	0:00:35	1-912-667-1811	1-██████████-██████████
05.23.2012 14:07:08 EDT	0:00:13	1-██████████	1-912-667-1811
05.29.2012 14:58:41 EDT	0:00:27	1-██████████	1-912-667-1811
08.23.2012 20:04:02 EDT	0:01:48	1-██████████	1-912-667-1811
08.28.2012 11:57:22 EDT	0:00:27	1-██████████	1-912-667-1811
08.28.2012 12:01:28 EDT	0:00:00	1-██████████	1-912-667-1811
08.28.2012 12:50:56 EDT	0:00:51	1-912-667-1811	1-9-██████████
08.28.2012 13:22:09 EDT	0:00:13	1-██████████	1-912-667-1811
10.05.2012 11:25:00 EDT	0:00:27	1-██████████	1-912-667-1811
10.05.2012 11:26:00 EDT	0:00:29	1-██████████	1-912-667-1811
10.05.2012 11:27:00 EDT	0:01:11	1-912-667-1811	1-██████████
10.05.2012 11:52:00 EDT	0:01:18	1-1-██████████	1-912-667-1811
10.05.2012 11:53:00 EDT	0:00:23	1-██████████	1-912-667-1811
10.05.2012 11:59:00 EDT	0:00:37	1-██████████	1-912-667-1811
10.05.2012 12:06:00 EDT	0:02:45	1-912-667-1811	1-██████████-██████████
10.18.2012 12:04:00 EDT	0:02:24	1-██████████	1-912-667-1811
10.18.2012 18:03:00 EDT	0:00:57	1-912-667-1811	1-1-██████████
11.15.2012 13:14:00 EST	0:00:36	1-██████████-██████████	1-912-667-1811
11.15.2012 14:04:00 EST	0:00:50	1-912-667-1811	1-██████████-██████████
11.15.2012 14:55:00 EST	0:00:07	1-912-667-1811	1-██████████-██████████
11.15.2012 14:56:00 EST	0:00:12	1-██████████	1-912-667-1811
11.15.2012 14:56:00 EST	0:00:25	1-██████████	1-912-667-1811
12.11.2012 11:27:00 EST	0:00:53	1-██████████	1-912-667-1811
12.19.2012 16:48:00 EST	0:01:14	1-██████████	1-912-667-1811
12.20.2012 16:16:00 EST	0:00:32	1-1-██████████-7-██████████	1-912-667-1811
12.28.2012 12:57:00 EST	0:00:49	1-912-667-1811	1-██████████-██████████
03.08.2013 11:34:00 EST	0:00:45	1-██████████-██████████	1-912-667-1811
03.26.2013 10:08:00 EDT	0:01:11	1-██████████-██████████	1-912-667-1811
03.27.2013 14:29:00 EDT	0:00:33	1-██████████-██████████	1-912-667-1811
03.27.2013 15:31:00 EDT	0:00:41	1-██████████-██████████	1-912-667-1811
03.28.2013 12:50:00 EDT	0:00:15	1-912-667-1811	1-██████████-██████████
03.28.2013 13:18:00 EDT	0:00:29	1-██████████-██████████	1-912-667-1811
04.25.2013 12:01:00 EDT	0:01:25	1-912-667-1811	1-██████████-██████████
04.25.2013 17:00:00 EDT	0:00:42	1-912-667-1811	1-██████████-██████████
05.01.2013 18:20:00 EDT	0:01:52	1-██████████-5-██████████	1-912-667-1811
05.01.2013 17:31:00 EDT	0:00:28	1-██████████-██████████	1-912-667-1811
05.01.2013 18:12:00 EDT	0:01:00	1-912-667-1811	1-██████████-██████████
05.01.2013 18:14:00 EDT	0:00:42	1-912-667-1811	1-██████████-██████████
05.07.2013 12:20:00 EDT	0:00:54	1-██████████-██████████	1-912-667-1811
05.17.2013 16:09:00 EDT	0:00:43	1-912-667-1811	1-1-██████████-██████████
05.17.2013 15:30:00 EDT	0:00:34	1-██████████-██████████	1-912-667-1811
06.06.2013 18:22:00 EDT	0:01:12	1-██████████-██████████	1-912-667-1811
06.24.2013 17:13:00 EDT	0:00:27	1-██████████-██████████	1-912-667-1811

02.22.2014 12:48:00 EST	0:00:40	1-■■■■	1-■■■■
02.22.2014 14:56:00 EST	0:07:19	1-■■■■	1-■■■■

Date	Length	Source	Destination
04.24.2012 10:00:00 EDT	0:00:26	1-████████	1-912-667-1811
05.23.2012 11:29:11 EDT	0:00:00	██████████	1-912-667-1811
05.23.2012 12:42:18 EDT	0:01:00	1-912-667-1811	1-████████
05.23.2012 12:51:55 EDT	0:00:35	1-912-667-1811	1-████████
05.23.2012 14:07:08 EDT	0:00:13	██████████	1-912-667-1811
05.29.2012 14:58:41 EDT	0:00:27	1-████████	1-912-667-1811
08.23.2012 20:04:02 EDT	0:01:48	1-████████	1-912-667-1811
08.28.2012 11:57:22 EDT	0:00:27	██████████	1-912-667-1811
08.28.2012 12:01:28 EDT	0:00:00	1-████████	1-912-667-1811
08.28.2012 12:50:56 EDT	0:00:51	1-912-667-1811	1-████████
08.28.2012 13:22:09 EDT	0:00:13	1-████████	1-912-667-1811
10.05.2012 11:25:00 EDT	0:00:27	1-████████	1-912-667-1811
10.05.2012 11:26:00 EDT	0:00:29	1-████████	1-912-667-1811
10.05.2012 11:27:00 EDT	0:01:11	1-912-667-1811	1-████████
10.05.2012 11:52:00 EDT	0:01:18	1-████████	1-912-667-1811
10.05.2012 11:53:00 EDT	0:00:23	1-████████	1-912-667-1811
10.05.2012 11:59:00 EDT	0:00:37	1-████████	1-912-667-1811
10.05.2012 12:06:00 EDT	0:02:45	1-912-667-1811	1-████████
10.18.2012 12:04:00 EDT	0:02:24	1-████████	1-912-667-1811
10.18.2012 18:03:00 EDT	0:00:57	1-912-667-1811	1-████████
11.15.2012 13:14:00 EST	0:00:36	1-████████	1-912-667-1811
11.15.2012 14:04:00 EST	0:00:50	1-912-667-1811	1-████████
11.15.2012 14:55:00 EST	0:00:07	1-912-667-1811	1-████████
11.15.2012 14:56:00 EST	0:00:12	1-████████	1-912-667-1811
11.15.2012 14:56:00 EST	0:00:25	1-████████	1-912-667-1811
12.11.2012 11:27:00 EST	0:00:53	1-████████	1-912-667-1811
12.19.2012 16:48:00 EST	0:01:14	1-████████	1-912-667-1811
12.20.2012 16:16:00 EST	0:00:32	1-912-667-1811	1-912-667-1811
12.28.2012 12:57:00 EST	0:00:49	1-912-667-1811	1-████████
03.08.2013 11:34:00 EST	0:00:45	1-████████	1-912-667-1811
03.26.2013 10:08:00 EDT	0:01:11	1-████████	1-912-667-1811
03.27.2013 14:29:00 EDT	0:00:33	1-████████	1-912-667-1811
03.27.2013 15:31:00 EDT	0:00:41	1-████████	1-912-667-1811
03.28.2013 12:50:00 EDT	0:00:15	1-912-667-1811	1-████████
03.28.2013 13:18:00 EDT	0:00:29	1-████████	1-912-667-1811
04.25.2013 12:01:00 EDT	0:01:25	1-912-667-1811	1-████████
04.25.2013 17:00:00 EDT	0:00:42	1-912-667-1811	1-████████
05.01.2013 18:20:00 EDT	0:01:52	1-████████	1-912-667-1811
05.01.2013 17:31:00 EDT	0:00:28	1-████████	1-912-667-1811
05.01.2013 18:12:00 EDT	0:01:00	██████████	1-████████
05.01.2013 18:14:00 EDT	0:00:42	██████████	1-████████
05.07.2013 12:20:00 EDT	0:00:54	██████████	1-912-667-1811
05.17.2013 16:09:00 EDT	0:00:43	██████████	1-████████
05.17.2013 15:30:00 EDT	0:00:34	██████████	1-912-667-1811
06.06.2013 18:22:00 EDT	0:01:12	██████████	1-912-667-1811
06.24.2013 17:13:00 EDT	0:00:27	1-████████	1-912-667-1811

02.22.2014 12:48:00 EST	0:00:40	1- [REDACTED]	1- [REDACTED]
02.22.2014 14:56:00 EST	0:07:19	1- [REDACTED]	1- [REDACTED]

Robert Gavin

om: Armando Tamargo
Sent: Tuesday, August 05, 2014 12:01 PM
To: Robert Gavin
Cc: Dean Fagerstrom
Subject: FW: Fwd: Pulaski

Lt.,
Here is the email we discussed in the interview. I will get a copy of the spread sheet and send it to you as well. I remembered after I left George Belsky sent a letter of appreciation through the Chiefs office thanking me for my participation and specifically for my work using Quick Books. I don't have a copy of that but it should be in my personnel file.

Thanks.

Sgt. Armando F. Tamargo
Chatham Savannah Counter Narcotics Team
Major Case Unit
Cell: [REDACTED]
Office: [REDACTED]



From: Valoze, Louis J. [REDACTED]@[REDACTED]
Sent: Tuesday, December 06, 2011 01:49 PM
To: Armando Tamargo; Moore, Brian A. <[REDACTED].A.[REDACTED]@[REDACTED]> Bicknese, Ralf <[REDACTED].[REDACTED]@[REDACTED]>
Robert Flournoy <[REDACTED].[REDACTED]@[REDACTED]> McCormick, Daryle <[REDACTED].McCormick@[REDACTED]> Wilkes, Jason
<[REDACTED].[REDACTED]@[REDACTED]>
Subject: Pulaski

I am putting out this email regarding Operation Pulaski due to recent drama in the ranks. I wanted to have a meeting, but appears that people's schedules are not working out this week. And I will be in Bristol with my good friend Tom Lesnak for the early part of next week. I have spoken with the commander of this operation, RAC George Belsky, regarding these issues. Here is what we have come up with.

George has already laid out what everyone's roles are for the second phase of this operation. They all remain the same, with some additional roles for team members:

- Ralf is the senior agent and has known Tom Lesnak the longest, and he will now be the point of contact for this operation with Tom. If you have any questions or issues for Tom, run it through Ralf. Tom is our lifeline and continues to give us so much help and assistance, he should not be bothered with all of us calling him. Deal with it. Don't call him.
- Jason Wilkes and I handle the informant in this case. If you have any issues with him, take it up with Jason or I and we will handle it. If it wasn't for him, we would not be indicting anyone in March. Deal with it. Don't mess with him.
- We decided to use state churning authority as opposed to federal because it is easier and any money left over can be used by the PD. It is a churning account, not a savings account. It is to be used for the case, during the case. We are all very experienced law enforcement officers, and we can use the money as we see fit to further the case (with RAC Belsky's approval). If state churning is causing problems, trouble, or drama, we will switch over to federal churning, but that would suck. Armando and Daryle are going to have access to the new business account that Suntrust is going to set up for us. If you need anything, they will get it for you.
- George Belsky is the commander of this operation. Not the Director of DOR, Chief Lovett, US Attorney Tarver, or the ICE RAC. If you have concerns with anything regarding this op, call him. He is a very reasonable man. If you are not directly under George Belsky's command, but you are assigned to this operation, you are directly under George Belsky's command (for any and all matters regarding this operation). He is the one who is going to have to answer to anything that goes wrong during the op, not any of the other aforementioned supervisors. If there is an issue you feel you need to let your supervision in on, you will include George.
- Most of the team members have very nice UC vehicles for this op. Appreciate them while we have them. If you don't have one and feel that you need one, let George know. As I previously stated, he is a very reasonable man. At some point in the op, we may even trade them in and upgrade. If vehicles are causing drama, we will let Big South keep them, and we can all go back to driving our GOV's.

If any of these terms are unacceptable to you, please let me know and we will find a replacement. No hard feelings, man to man. The only individual involved in this case who I feel is irreplaceable is the informant. I can be replaced, and so can you. The case will move on.

I am the case agent. I am not your boss. I don't want to be. I do have experience running long term undercover investigations and you should have some faith in me that I know what directions we need to go in. If you don't agree with me, tell me right then and there. I will probably do it my way anyway, but at least you told me.

Once again, I am putting all of this out front to give you an opportunity to decide whether or not you want to be a part of this team. I think we can put a lot of bodies in prison. But we all have to get along and one thing I insist on is a pleasant work atmosphere. Drama free.

******* NOTICE: This e-mail message and any attached files are intended solely for the use of the addressee(s) named above in connection with official business. This communication may contain Sensitive But Unclassified information that may be statutorily or otherwise prohibited from being released without appropriate approval. Any review, use, or dissemination of this e-mail message and any attached file(s) in any form outside of the Bureau of Alcohol, Tobacco, Firearms & Explosives or the Department of Justice without express authorization is strictly prohibited.**

McCormick 214 0622

1) DVD Containing Both Surveillance Videos
and photographs

Surveillance - 11-16-12
11-25-12

Quicktime Version (Computer Compatible)

Surveillance Video
11/16/2012

Surveillance Video
11/16/2012
FV12



SAVANNAH CHATHAM POLICE
METROPOLITAN

Office of Professional Standards

SECTION 7

Additional Information

*Email from Department of Justice requesting OPS to not interview anyone in the ATF for this investigation

Robert Gavin

.om: [REDACTED].D.Peralta@[REDACTED]
Sent: Wednesday, September 17, 2014 9:32 AM
To: Robert Gavin
Subject: [This EMail May Be Spam !] Interview of Savannah ATF Personnel

Good Afternoon Lt. Gavin,

I have been in contact with the U.S. Department of Justice, Office of the Inspector General (OIG). The OIG is currently conducting an investigation into the ATF case dubbed "Operation Pulaski" that originated in the Savannah ATF Office. At this time the OIG has requested that no interviews be conducted of the ATF personnel associated with this case. The Federal Bureau of Investigation (FBI) is also conducting an investigation that involves elements of "Operation Pulaski" and there will be overlap between these two agencies. For clarification, the FBI was not opposed to your interview request.

I will forward your contact information to the OIG case agent. Please feel free to contact me if you have any questions. My direct desk line is [REDACTED]-[REDACTED]-[REDACTED]

ARTHUR D. PERALTA
SPECIAL AGENT
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
INTERNAL AFFAIRS DIVISION
([REDACTED] [REDACTED] [REDACTED])



SAVANNAH CHATHAM POLICE

Office of Professional Standards

SECTION 8

Closure report



SAVANNAH CHATHAM POLICE

ADMINISTRATIVE INVESTIGATION Closure Report

OPS CASE NUMBER:	2140622
EMPLOYEE NAME:	Daryle McCormick
DATE:	June 20, 2014
TO:	Chief Joseph H. Lumpkin Sr.
FROM:	Lieutenant Robert Gavin

On June 20, 2014, an Interdepartmental investigation was initiated by the Interim Chief of Police regarding SCMPD employee **Daryle McCormick**. The allegations of Conduct, knowledge of rules and laws and Truthfulness are alleged in OPS # 2140622

Daryle McCormick, Payroll #01253 was employed by the Savannah-Chatham Metro Police Department on 11/25/1996. At the time the incident occurred, the employee's assignment was ATF Task Force Officer reporting to the Chief of Police.

SOP APPLICABLE	CLOSURE
<p>GO # ADM-004 OATH OF OFFICE, ETHICS, AND CONDUCT I. GENERAL STANDARDS OF CONDUCT</p> <p>1. Conduct Unbecoming – The conduct of a public employee, on or off duty, reflects upon the SCMPD. The SCMPD shall investigate complaints and/or a circumstance suggesting an SCMPD employee has engaged in conduct unbecoming and shall impose disciplinary action when appropriate</p> <p>4. Truthfulness/Honesty: Employees shall not willfully, intentionally, or knowingly depart from the truth OR in any way be deceptive, provide misrepresentations, falsification, deliberately or intentionally omit or misrepresent material facts when giving testimony, providing information (orally or in writing), or reporting in connection with any official duties. This includes the submission of fictitious or inaccurate reports or the falsification or misrepresentation of any facts or circumstance in official agency records. Upon the order of a superior, employees shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the agency.</p> <p>13. Misappropriation of Property - No employees of the SCMPD will appropriate for their own use any lost, found, or stolen property. No employees will convert to their own use any property of the City of Savannah or Chatham County, or property held by the SCMPD.</p> <p>III. PROFESSIONAL LIFE STANDARDS</p>	

C. Knowledge of Laws and Rules - SCMPD employees are required to establish and maintain a working knowledge of laws and ordinances in force in the City of Savannah, Chatham County, the rules and policies of the SCMPD and the City of Savannah, and the orders of the SCMPD and Divisions thereof. In the event of improper action or breach of discipline, it will be presumed that the employee was familiar with the law, rule, or policy in question.

DISCIPLINE	
ACTION TAKEN:	
DAYS SUSPENDED:	
REDUCTION IN RANK:	
RETAINING:	
SIGNATURE:	DATE:
Joseph H. Lumpkin Sr. Chief of Police	

GO # ADM-004

EFFECTIVE DATE: 04/09/2004

OATH OF OFFICE, ETHICS, AND CONDUCT

REVISION DATES: 10/04/2006

08/26/2010 08/29/2011

09/07/2011 07/20/2012

09/18/2014 02/09/2015

PURPOSE

The purpose of this directive is to ensure that Department personnel are aware of the actions and attitudes expected of them and to provide members of the public with a general standard by which they can measure the performance of the Department.

POLICY

All Savannah-Chatham Metropolitan Police Department (SCMPD) sworn personnel shall take and subsequently abide by an oath of office to enforce the Constitution and laws of the United States, the Constitution and laws of the State of Georgia, and the ordinances of Chatham County and the City of Savannah, as well fulfilling their duty based on the Law Enforcement Code of Ethics.

It shall be the policy of the SCMPD to comply with State and Federal law and to preserve and protect the constitutional rights of the community. It shall further be the policy of the SCMPD that all sworn personnel will abide by the Canon of Ethics as set forth in this directive. Pursuant to the Home Rule provisions for counties of the Constitution of the State of Georgia, the Board of Commissioners of Chatham County and the Savannah City Council requires SCMPD Police Officers to take and abide by the following **Savannah-Chatham Metropolitan Police Department Oath of Office prior to sworn status:**

"I do solemnly swear that, to the best of my ability and skill, I will, during my continuance in office, faithfully discharge all the duties which may be required of me; in all cases conform to the rules and regulations which shall be made by the Commissioners of Chatham County and the Mayor and Aldermen of the City of Savannah; enforce all the laws of the United States, the State of Georgia, and the ordinances of Chatham County and the City of Savannah; and support and uphold the Constitution of the United States and the State of Georgia.

I further swear that I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am by the laws of the State of Georgia prohibited from holding; and that I am otherwise qualified to hold said office according to the Constitution and laws of Georgia." [CALEA 1.1.1]

SCMPD Police Officers will observe the principles as set forth in the Canons of Law Enforcement Ethics. All sworn employees of the SCMPD will abide by the **Law Enforcement Code of Ethics:**

As a law enforcement Officer, my fundamental duty is to serve mankind; to safeguard life and property; to protect the innocent against deception; the weak against oppression; and the peaceful against violence or disorder; and I will respect the constitutional rights of all men to LIBERTY, EQUALITY, and JUSTICE.

I will live my private life as to be an example to all. I will develop self-restraint and be constantly mindful of the welfare of others.

I will be exemplary in obeying the laws of the land and the regulations of the Savannah-Chatham Metropolitan Police Department. I will remain courageous calm in the face of scorn, danger, or ridicule.

I will never permit my personal feelings to influence my decisions. I will enforce the law courteously and appropriately without fear of favor, malice, or ill will, never employing unnecessary force and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will strive constantly to achieve these objectives and ideals, dedicating myself before God to my chosen profession. [CALEA 1.1.2]

All non-sworn employees will be aware of and comply with the following **Code of Ethics for City Employees:**

As City employees we shall...

Exhibit pride and loyalty in all matters pertaining to the City and each other. However, we shall not knowingly be a party to any illegal or improper activity.

Not knowingly engage in acts or activities which are disgraceful or unbecoming to a City Employee.

Not do anything which may be in conflict with the interests of the City or which would hurt our ability to do our jobs.

Not accept gifts, goods, services, or materials of value from a customer, supplier, vendor representative, or other individual.

Be careful in the use of information acquired in the course of our duties.

We will not use confidential information for any personal gain nor in any manner which would be against the law or damaging to the City's welfare.

Maintain high standards of competence, dignity and fairness

Every employee will receive documented training concerning the code of ethics at a minimum biennially. All new employees will receive training in their first thirty days of employment. Training may be in the form of roll call, shift briefing, or a formal classroom setting. [CALEA 1.1.2]

The following Oath of Honor will be recited at all training sessions and will open all SCMPD ceremonies.

*On my honor,
I will never betray my office,
my integrity, my character,
or the public trust.
I will always have
the courage to hold myself
and others accountable for our actions.
I will always uphold the constitution,
my community and the agency I serve.*

All on or off duty, sworn and civilian, employees of the SCMPD must at all times conduct themselves in a manner which does not bring discredit to themselves, the SCMPD, Chatham County, or the City of Savannah. Therefore, the following rules will be adhered to without discretion.

DEFINITIONS

These definitions shall apply to the use of such terms herein as well as to the use of such terms in all other Departmental contexts, unless a different definition is specifically set forth in another document.

ACTING: Serving temporarily in a position to which the employee is not ordinarily assigned, usually in a position of higher authority and having all the authorities, responsibilities, and duties of the higher position applicable to the acting employee.

ADMINISTRATIVE LEAVE: A condition in which, for the convenience of the Department, an employee is relieved of his responsibility to report for duty or exercise police authority.

ADMINISTRATIVE ORDER: Written order issued by the Chief of Police as a guiding source of reference to procedural matters involving administration of departmental or city policies.

APPOINTMENT: The designation of a person by the appointing authority to any position within the Department.

ASSIGNMENT: Any personnel placement made by established authority.

AUTHORITY: Legal or rightful power; a right to command or act.

CHAIN OF COMMAND: Ascending or descending order of rank.

COMMANDING OFFICER: Any employee holding a command position of commission.

CONFIDENTIAL: Secret, not to be divulged to unauthorized persons.

CONTROLLED SUBSTANCE: As defined by the Georgia State Criminal Code.

DEPARTMENT: The Savannah-Chatham Metropolitan Police Department.

DIRECTIVES: An authoritative instruction or order, which governs policy; procedures, rules, or regulations, whether issued verbally, electronically or in written form

DISMISSAL: The act of terminating the employment of an employee.

DIVISION ORDERS: Standing orders that contain a purpose statement, a policy statement, and standard operating procedures, and may be issued by the Chief of Police, a Division Commander, or designee. Division Orders are applicable only to the issuing Division.

DUTY: Includes those tasks required by law, authoritative instruction, one's assignment, rank or status.

EMPLOYEE: All sworn and non-sworn personnel working for the SCMPD.

ESTABLISHED AUTHORITY: Legal or rightful power to command or have command over; this Includes supervisory and administrative authority.

EXTRA-DUTY: - Outside employment wherein the use of law enforcement powers are anticipated.

GENDER: The use of the masculine gender shall also include, when appropriate, the female gender, unless otherwise specified.

GENERAL ORDER: Written orders issued by the Chief of Police outlining policy or procedure on matters, which affect the entire department. A General Order is the most authoritative current directive issued by the Department and may be used to amend, supersede, or cancel any other rule, regulation, or order. General Orders are permanent department policy and remain in full force and effect until amended, superseded, or cancelled by the Chief of Police.

IMMEDIATELY: As soon as possible without unnecessary delay.

INSUBORDINATION: The willful disobedience of a lawful order issued by any commanding officer or disrespectful, mutinous, rebellious, insolent, or abusive language or action *toward* any commanding officer.

LAWFUL ORDER: Any written or oral directive issued by any commanding officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law or ordinance or any Department rule, procedure or instruction. (An order, which may be challenged at a later date, must be obeyed at the time of issuance.)

MALFEASANCE: The doing of an unlawful act in office.

MAY: The word "may" as used herein shall mean that the action indicated is permissible.

MEMBER: Any person duly appointed to the Department as a sworn police officer, police recruits are included in this definition.

MISFEASANCE: The wrongful doing of a lawful act in office.

NEGLECT OF DUTY: The failure to give suitable attention to the performance of duty. The failure to take appropriate action on the occasion of a crime, disorder, or other act or condition requiring police attention. The failure to perform duties as required.

OFF DUTY: That period of time, that excludes the assigned work period during which an employee would not normally be required to actively engage in the performance of his assigned duties.

OFF-DUTY EMPLOYMENT - Outside employment wherein the use of law enforcement powers is not anticipated.

OFFICER IN CHARGE: The member having the highest rank. Members of the same rank shall assume charge according to the date of appointment to that rank unless otherwise ordered

by the Chief of Police or designated authority.

ON DUTY: That period of time when an employee is actively engaged in the performance of his assigned duties.

ORDER: An order is a command; a directive (either oral or written) given by one in authority and directed to a subordinate.

PERSONALLY RESPONSIBLE: A duty or responsibility that falls upon an individual himself. The responsibility cannot be conveyed or assigned to another.

POLICY: Any governing principle, broad plan, or course of action, either oral or written, designed to accomplish the Department's goals.

PRIVILEGE: A condition, which is not, a basic right but which is granted at the discretion of the Department.

PROCEDURE: The official method of dealing with any given situation as prescribed by General Orders, Special Orders, Administrative Orders, procedural manuals, training communications or other directives.

REPORT: A written communication unless otherwise specified.

RIGHT: A condition specifically outlined by law, administrative directive or contractual agreement.

RULES AND REGULATIONS: The terms "rules and regulations" as used herein are interchangeable since both indicate basic internal departmental directives. They refer to broad precepts of authority, responsibility or conduct. They carry the full force and effect of a direct order from the Chief of Police and stand until cancelled, amended or superseded by a direct written order of the Chief of Police.

SHALL/WILL: The words "shall" or "will" shall indicate that action specified is mandatory.

SICK LEAVE: That period during which an employee is excused from duty for illness or injury under the applicable provisions of current General Orders and City of Savannah Policy.

SPECIAL ORDER: A written directive issued by established authority outlining instructions covering particular situations.

SUPERVISOR: Any person designated to act in a supervisory capacity, whether permanent or "acting" in a temporary appointment.

SUSPENSION: The act of temporarily denying an employee the privilege of performing his duties.

PROCEDURE

I. GENERAL STANDARDS OF CONDUCT

- A. SCMPD employees will conduct their private and professional lives in such a manner as to avoid negative reflection upon themselves, the department or their chosen profession. Unacceptable conduct, whether on duty or off duty, includes, but is not limited to, arrest or conviction of any felony, arrest or conviction of any misdemeanor involving moral turpitude, or violation of any statute, law or official regulation, rule or order or commission of any act which compromise the public trust necessary for

employment. To further the principle of professional law enforcement SCMPD employees will adhere to the following rules. [CALEA 26.1.1]

1. **Conduct Unbecoming** – The conduct of a public employee, on or off duty, reflects upon the SCMPD. The SCMPD shall investigate complaints and/or a circumstance suggesting an SCMPD employee has engaged in conduct unbecoming and shall impose disciplinary action when appropriate.
2. **Incompetence** - SCMPD employees shall maintain sufficient competency to properly perform their duties and to assume the responsibilities of their position. SCMPD employees shall perform their duties in a manner which will tend to maintain standards and establish efficiency in carrying out the functions and objectives of the Department. Incompetence may be demonstrated by repeated poor evaluations or a written record of repeated infractions of the rules, regulations, manuals or directives.
3. **Impartiality** - SCMPD employees, while charged with consistent and practical enforcement of the law, must remain completely impartial toward all persons coming to the attention of the SCMPD. Exhibiting partiality for or against a person because of race, creed, or influence is unprofessional conduct. Similarly, unwarranted interference in the private business of others, when not in the interest of justice, is unprofessional conduct and prohibited.
4. **Truthfulness/Honesty**: Employees shall not willfully, intentionally, or knowingly depart from the truth OR in any way be deceptive, provide misrepresentations, falsification, deliberately or intentionally omit or misrepresent material facts when giving testimony, providing information (orally or in writing), or reporting in connection with any official duties. This includes the submission of fictitious or inaccurate reports or the falsification or misrepresentation of any facts or circumstance in official agency records. Upon the order of a superior, employees shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the agency.
5. **Treatment of Others** - Employees shall treat citizens, superiors, subordinates and associates with respect. They shall be courteous and civil at all times in their relationships with one another and in the presence of the public; employees will be referred to by rank.
 - a. Employees shall not engage in offensive or harassing conduct, verbal or physical, towards fellow employees, supervisors or the public during work hours or off-duty hours.
 - b. No employee will speak disrespectfully of any nationality, race, sex, or religion.
 - c. No employee will engage in grossly indecent or vulgar talk which would detract from the efficient operation of the SCMPD or create an uncomfortable work environment.

- d. No employee will create, or pass on either verbally or electronically any malicious rumors concerning other employees that is knowingly false or designed to speak disparagingly of others or department operations.
 - e. When answering telephone calls on department phones or in response to your duties, you must identify yourself by: Rank (if applicable), name and your department or unit. You shall be courteous, respect and attentive throughout the interaction. If requested, name and payroll number will be given to requester in a courteous manner.
6. **Insubordination** - SCMPD employees will perform their duties as required or directed by law, Department rule, policy, order, and directive or by a verbal order of a superior officer. The willful disobedience of a lawful order issued by any commanding officer or disrespectful, mutinous, rebellious, insolent, or abusive language or action toward any commanding officer will be considered insubordination and subject to discipline.

7. **Chain of Command**— No employees will bypass any supervisor within their Chain of Command in routine matters. Should the employee have a grievance or wishes to report illegal or improper conduct involving their immediate supervisor they may go directly to the next person in line. This does not apply to immediate emergency notifications.
8. **Cooperation** – Cooperation is essential to effective law enforcement. Therefore, all employees are strictly charged with establishing and maintaining a high spirit of cooperation.
9. **Questions of Citizens** - All employees will answer questions posed by citizens in a courteous manner or if unable to supply an answer, will make every effort to secure the answer. If requested, name and payroll number will be given to requester in a courteous manner and department identification displayed. This precludes officers working in an undercover capacity from revealing their identity when it would jeopardize their mission.
10. **Divulging Information** - Employees shall not divulge police information to which they have access or which may come to their attention, nor shall they make available any information contained in police records, radio communications, photographs, computers, teletypes or other files or information in any form whatsoever. For purpose of this section, all department information is to be considered confidential unless otherwise provided by current directives or directed by a supervisor. This section does not apply to orders that are of such a nature that they must be communicated to others.
11. **Uniform Requirements** – No employee of the SCMPD will wear SCMPD uniforms at any time except when on active duty or on special occasions or assignments, including approved extra-duty employment. No employees will allow anyone beyond sworn members of the department to wear any uniform items.
12. **Duty Time**— Employees will report for work on time and ready to perform their job. They will remain at their work station or assignment until relieved appropriately.
 - a. Employees will not devote any of their "on duty" time to any activity other than that which relates to police work unless permission is granted by competent authority.
 - b. Employees will not read magazines, papers books, etc. in public view that are not within the scope of their assigned duties.
 - c. Employees will not conduct personal business to include operating a private business during duty hours
13. **Misappropriation of Property** - No employees of the SCMPD will appropriate for their own use any lost, found, or stolen property. No employees will convert to their own use any property of the City of Savannah or Chatham County, or property held by the SCMPD.

14. **Absent Without Leave (AWOL)** - SCMPD employees will not be absent from duty without first submitting the appropriate paperwork or making the proper notification. Arriving late without authorization will be considered tardiness and will subject the employee to possible discipline. Failing to respond to a call-back is subject for disciplinary action. Leaving an assigned beat or duty post without permission or proper assignment will be considered AWOL.
15. **Address And Telephone Numbers** - Immediately upon reporting for duty in a new unit, employees will record their correct residence address and telephone number with their Commanding Officer. Employees are required to have a telephone in the place where they reside. Changes in address or telephone number will be reported to their Commanding Officer within 24 hours of the change.
 - a. SCMPD employees will not release to the public or any public agency the restricted home telephone number of any other employee of the Department without authorization from a superior Officer of the rank of Sergeant or higher. They will also not release the pager number or cell phone number of department pagers and cell phones without the same permission.
 - b. SCMPD employees will not use the Department address on any motor vehicle registration or operator's license.
16. **Conflicts of Interest**
 - a. **Contributions** - No employee will seek or be obliged to make contributions in money, service, or otherwise for any political purpose.
 - b. **Political Activity** - No sworn employee, while on duty or in uniform, will engage in political activity or discussion on behalf of, or against, any candidate or political question. This does not mean that employees are prohibited from exercising their legal voting right.
 - c. **Not to Recommend Services** - Employees will not recommend or suggest to anyone in the course of their duties the employment or name of any towing firm, funeral director, or other tradesman or inform such tradesmen of any situation wherein their services might be sought.
 - d. **Interfering with the Course of Justice** - Employees will not take part in, or be concerned with, either directly or indirectly, any compromise or arrangement with any person for the purpose of permitting an accused person to escape penalty for their wrong doing. No employees will seek to interfere with the course of justice for the purpose of obstructing justice. Information of any negotiation between an accused or their representative and the accuser or any witness will be disclosed to the proper superior or to the presiding officer of a court or hearing.
 - e. **Recommendation for Disposition of Cases** - Employees will not make recommendations for the disposition of any case pending in the courts without the consent of the Office of the Chief of Police.

- f. **Statements Concerning Liability** - Employees will not make any oral or written statement to anyone concerning liability in connection with the operation of police vehicles or performance of other police duty, unless specially authorized to do so by the Chief of Police.
 - g. **Gifts and Favors** - Employees of the SCMPD will not seek, directly or indirectly, or accept any gift, present, or gratuity from any person, firm, group of persons, or relatives, friends, or employees of the same, on the basis of their employment with the SCMPD.
 - h. **Games of Chance** – Participating in games of chance, card playing, or gambling, including the purchase of lottery tickets is prohibited while on duty or in a police uniform. This excludes activities that are part of a legitimate criminal investigation.
 - i. **Associating with Criminals** - SCMPD employees shall avoid regular associations with persons who are known to engage in criminal activity where such associations will undermine the public trust and confidence in them or the SCMPD. This rule does not prohibit those associations that are necessary to the performance of official duties, or where such associations are unavoidable because of the SCMPD employee's personal or family relationships
 - j. **Other Transactions** - SCMPD employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of their departmental employment, except as may be specifically authorized by the Chief of Police.
 - k. **Nepotism** – No employee will supervise either directly or indirectly any person to whom they are related to. (Refer to City Policy for details)
- B. Commanders and supervisors shall insure that employees under their command perform their duties appropriately
- 1. Commanders and supervisors will provide efficient, effective and meaningful direction to subordinates and assist and instruct subordinates in the performance of their duties.
 - 2. Commanders and supervisors who overlook condone or fail to take actions on incompetence or misconduct on the part of their employees shall be guilty of neglect of duty and subject to discipline.

II. FITNESS FOR DUTY STANDARDS

- A. Employees are expected to maintain a degree of physical fitness which enables them to perform the physical activity, required by their job classification and assignment.
- B. Employees may be compelled to take a physical and/or mental examination at City of Savannah expense, with cause, only to confirm the employees' continued fitness to perform the tasks of their assignments and to inform them of their general physical condition, not to identify employees with disabilities who are otherwise able to

perform their assigned duties, with or without reasonable accommodation. [CALEA 22.3.1]

- C. The nature of some specific positions or responsibilities may necessitate periodic specific health screenings, such as those for crime scene personnel, firearms instructors, or range technicians who are repeatedly exposed to hazardous chemicals or lead contaminates.
- D. SCMPD employees will not at any time be intoxicated while on duty.
 - 1. Employees will not consume intoxicants while off duty to the extent that evidence of such consumption is apparent when reporting for duty or to the extent that their ability to perform their duty is impaired. Employees will not consume intoxicants while on duty, unless necessary in the performance of a police task and then only with the specific permission and supervision of a commissioned officer and never in uniform.
 - 2. SCMPD employees will not use controlled substances, narcotics or hallucinogens, except when prescribed in the treatment of the employee by a licensed physician or dentist. When controlled substances, narcotics or hallucinogens are prescribed, the employee will notify their supervisor immediately.
 - 3. SCMPD employees will not bring, place, or permit to be brought or placed, or allow to be kept in any building, location, or vehicle within or under the control of the SCMPD any intoxicant, exhilarant, hypnotic, hallucinogen, or narcotic except in the performance of police duties as required by regulations or orders or when it is needed for prompt administration by orders of a licensed physician.
- E. Civilian employees are prohibited from bringing firearms into any building operated by SCMPD of the City of Savannah with the exception of evidence or an approved training session.
- F. SCMPD employees are prohibited from sleeping while on duty
- G. SCMPD employees will not conduct private business to include operating a privately owned business during duty hours.
- H. **Smoking** - Employees will not smoke or use tobacco products in view of the public, in any office operated by the City of Savannah, or in any police vehicle. Those employees hired under a no tobacco use agreement are prohibited from using tobacco products.
- I. **Sickness** - SCMPD employees who are unable to report for duty due to their illness, or that of an immediate family member or other reason will either personally or through a representative, report the fact immediately to the Customer Service Desk at Police Headquarters, no less than one (1) hour prior to their assigned reporting time.
 - 1. While absent from duty due to sickness or disability, the employee will remain at their residence or place of confinement unless otherwise authorized by a physician or their superior officer. No employee will feign sickness or injury or deceive a representative of the Department as to their actual condition.

2. Employees who become ill while on duty will notify their supervisor of the fact prior to leaving their assignment.
 3. SCMPD employees who have checked off sick may not work off duty or outside employment until they have returned to duty for at least one shift.
- J. Employees will report any injury on duty to their supervisor in accordance with requirements set by the City of Savannah Risk Management.

III. PROFESSIONAL LIFE STANDARDS

- A. **Limitation of Authority** - The first duty of an SCMPD Officer, as upholder of the law, is to know the bounds the law established for its enforcement. The SCMPD Officer must, therefore, be aware of the limitations and proscriptions which the people, through law, have imposed as a primary responsibility.
- B. **General Responsibilities** – Within unincorporated Chatham County and the corporate limits of the City of Savannah, SCMPD Officers shall at all times take appropriate action to:
1. Protect life and property.
 2. Preserve the peace.
 3. Prevent crime.
 4. Detect and arrest violators of the law.
 5. Enforce all Federal, State, and local laws and ordinances within the jurisdiction of the SCMPD.
- C. **Knowledge of Laws and Rules** - SCMPD employees are required to establish and maintain a working knowledge of laws and ordinances in force in the City of Savannah, Chatham County, the rules and policies of the SCMPD and the City of Savannah, and the orders of the SCMPD and Divisions thereof. In the event of improper action or breach of discipline, it will be presumed that the employee was familiar with the law, rule, or policy in question.
- D. **Taking Police Action** - SCMPD employees are required to take appropriate police action toward aiding fellow police officers and members of the public exposed to danger or in a situation where danger might be impending. Based on the facts of the situation, the failure to take appropriate police action may be considered neglect of duty which is a serious offense in the realm of discipline and could result in termination.
- E. **Arresting and Dealing With Law Violators** - SCMPD Officers shall use powers of arrest strictly in accordance with the law and with due regard for the rights of the citizen concerned.
- F. **Police Action Based on Legal Authority** – The requirement that legal justification be present imposes a limitation on an Officer's actions. An Officer must act reasonably within the limits of authority as defined by statute and judicial interpretation

- G. **Who is to Take Action** - The administrative delegation of the enforcement of certain laws and ordinances to particular units of the Department does not relieve employees of other units from the responsibility of taking prompt, effective police action within the scope of those laws and ordinances when the occasion so requires. Employees assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.
- H. **Responding to Calls** - SCMPD employees will respond without delay to all calls for police assistance from citizens or other employees. Emergency calls take precedence; however, all calls will be answered as soon as possible, consistent with normal safety precautions and traffic laws. Failure to answer a call for police assistance promptly, without justification, is misconduct. Except under the most extraordinary circumstances, or when otherwise directed by competent authority, no employee will fail to answer any telephone or radio call directed to him.
- I. **Rendering Medical Aid** – SCMPD Officers will immediately summon the assistance of Emergency Medical Services for any person that an officer encounters as sick or injured to include use of force incidents. No request for EMS by a citizen will be denied.
- J. **Officer Availability** - SCMPD employees on duty will not conceal themselves, except when necessary to perform an assigned duty. They will be immediately and readily available to the public during duty hours.
- K. **Clarification of Assignment** - SCMPD employees in doubt as to the nature or details of their assignment will seek such clarification from their supervisors by going through the chain of command.
- L. **Reporting Accidents** - Accidents involving SCMPD personnel, property, and/or equipment must be reported as soon as possible.
- M. **SCMPD Property and Equipment** – SCMPD employees are responsible for the proper care of Department property and equipment assigned to them. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action. SCMPD employees shall not use Department equipment or property except as assigned by an authorized supervisor.
- N. **Damaged/Inoperative Property or Equipment** - SCMPD employees shall immediately report any loss of or damage to Department property assigned to or used by them to their immediate supervisor. The immediate supervisor shall be notified of any defects or hazardous conditions existing to any Department equipment or property.
- O. **Presumption of Responsibility** - In the event that SCMPD property is found bearing obvious evidence of damage that has not been reported, it shall be prima facie evidence that the last person using the property or vehicle was responsible. This presumption shall also apply to lost or missing property.
- P. **Arrests** - When making arrests, members will strictly observe the laws of arrest and the following provisions:
 - 1. Only necessary restraint to assure safe custody and the safety of the officer shall be employed.

2. The arresting officer is responsible for the safety and protection of the arrested person while in his/her custody. The officer shall notify the transportation officers of any injury apparent illness or other condition which indicates the arrested person may need special care.
 3. The arresting officer is responsible for the security of the personal property in the possession of the arrested person or under his/her control at the time of arrest. Except for vehicles, this responsibility transfers to the transportation officers when they accept custody of the arrested person.
- Q. **Identification** - Except when impractical or unfeasible, or where the identity is obvious, Officers will identify themselves by displaying their badge before taking police action. Officers will provide their name and/or rank and/or payroll number and display their department issued identification whenever requested.
- R. **Transporting Persons in Police Vehicles** – Private Citizens may be transported in SCMPD vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with SCMPD policy and with the approval of a supervisor.
- S. **Orders** - Orders from a superior to a subordinate will be in clear and understandable language, civil in tone, and issued in pursuit of SCMPD business.
1. **Inappropriate Orders** - No command or supervisory Officer will knowingly issue an order which is in violation of any law, ordinance, or Department rule. Employees who are given orders they feel to be unjust or contrary to rules and regulations must first obey the order to the best of their ability and then may proceed to appeal as provided below.
 2. **Unlawful Orders** - Obedience to an unlawful order is never a defense to an unlawful action. Therefore, no employee is required to obey any order which is contrary to Federal or State, law or local ordinance. Responsibility for refusal to obey an order rests with the employee. Employees will be strictly required to justify their actions.
 3. **Action upon receiving unlawful Orders** - SCMPD employees receiving an unlawful, unjust, or improper order will, at the first opportunity, report in writing to the Chief of Police through official channels. This report will contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Extra-departmental action regarding such an appeal will be conducted through the office of the Chief of Police.
 4. **Conflicting Orders** - Upon receipt of an order conflicting with any previous order or instruction, the employee should advise the individual giving the second of the conflicting instruction. If so directed, the latter command will be obeyed first. Orders will be countermanded, or conflicting orders will be issued only when reasonably necessary for the good of the Department.
- T. **Conflict of Policy** - If an occasion arises where an SCMPD General Order and a City of Savannah policy are in direct conflict the City of Savannah policy shall supersede the Department.

- U. **Reporting Violations Of Laws, Ordinances, Rules Or Orders** - Any employee who becomes aware of possible misconduct by another employee of SCMPD will immediately report the incident to a supervisor or directly to the Office of Professional Standards.
 - 1. Any employee that observes serious misconduct will take appropriate action to cause the misconduct to immediately cease regardless of rank.
 - 2. Any employee who is determined to have had such knowledge mentioned above and failed to report or attempt to prevent the conduct is subject to disciplinary action.
 - 3. Retaliation against any other employee or member of the public, who reports, discloses, divulges or otherwise brings to the attention of appropriate authority any facts or information relative to the alleged violation of any law, ordinance or rule or regulation is strictly prohibited.
- V. **Medical Care** - Employees shall ensure that any injured or ill person is given the opportunity for medical care.
- W. **Payment of Debts** - All employees of the SCMPD will promptly pay their legal debts. Failure to do so will subject the offender to SCMPD disciplinary action.
- X. **Testimony in Civil Cases** - No sworn employee of the SCMPD will testify in any civil case in court unless legally summoned to do so or unless they have received permission or order from the Chief of Police.
- Y. **Use of Private Vehicles** - Sworn employees will not patrol their post or cover their assignment with a private vehicle unless they have been authorized to do so by competent authority.
- Z. **False Information on Records** - Employees of the SCMPD will not make false official reports or knowingly or willingly enter or cause to be entered into any SCMPD books, records, or reports any inaccurate, false, or improper police information or material matter.
- AA. **Loitering** -During their tour of duty, employees of the SCMPD will not loiter in cafes, bars, restaurants, theaters, service stations, or other public businesses, unless the employee is working undercover. Other than those transacting police business, employees will not be permitted to loiter in or about police buildings.
- BB. **Withholding Evidence** - Employees of the SCMPD will not fabricate, withhold, or destroy any evidence of any kind.
- CC. **Soliciting Petitions for Promotion or Change of Duty** - No employees of the SCMPD will solicit a petition supporting the promotion or demotion or a change in duty status, of any SCMPD employee. This excludes letters of endorsement by individuals for employment
- DD. **Distribution of Cards, Buttons, Etc.** - Employees of the SCMPD, individually or representing police organizations, are prohibited from issuing to persons other than employees, volunteers or chaplains of the SCMPD, any identification card, button or other device which assumes or implies to grant the person any special privilege or consideration in their business of the SCMPD.

- EE. **Gifts and Favors** - No employees of the SCMPD will seek or accept, under any circumstances, directly or indirectly, any gift, reward, present, money, gratuity, or any form of compensation from any person, based on their employment as an SCMPD employee or for any service rendered.
 - 1. The Chief of Police is authorized to allow employees to accept and participate in publically presented acts of recognition.
- FF. **Recognition of the United States Flag**— Uniformed sworn employees will render all honors to the flag in the form of a military salute.
 - 1. Massed flags, flags used for decorative purposes, etc., will not be saluted.
 - 2. During the playing of the national anthem officers will stand at attention and salute the flag.
 - 3. A hand salute will be rendered to a color guard when posting or presenting the colors (U.S. flag) in either a parade or assembly.

IV. DISCIPLINARY SYSTEM

- A. SCMPD employees violating their oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of Georgia, local ordinances, or who violates any provision of the Rules and Regulations of the Department, or who disobeys any lawful order, or who is incompetent to perform their duties is subject to appropriate disciplinary action.
- B. Final Department disciplinary authority and responsibility rests with the Chief of Police.
 - 1. For disciplinary purposes, the Chief of Police has the authority to reprimand, suspend up to 30 days, demote, or dismiss the employee from the Department, subject to review by the City Manager.
 - 2. If the employee involved feels they may have been improperly treated, they may apply to the City Manager for a hearing after receipt of written notice of the penalty.
 - 3. Any appeal of the decision of the City Manager must be made in accordance with existing civil service rules and regulations. [CALEA 26.1.6]
- C. Supervisory personnel may take the following measures in the course of discipline:
 - 1. Assign an officer to either new training or remedial training.
 - 2. Verbal Counseling will be documented and place in the Officer's file
 - 3. Written reprimand (subject to approval by the Chief of Police).
 - 4. Written recommendations for other penalties. [CALEA 26.1.5]
- D. Whenever disciplinary action is to be taken or recommended, a written report must be submitted immediately, containing the following information:
 - 1. The name, rank, payroll number, and present assignment of the person being disciplined.
 - 2. The date(s) and time(s) of the misconduct and the location.

3. The section number(s) of the policy violated and wording.
 4. A complete statement of the facts of the misconduct.
 5. The punishment imposed or recommended.
 6. The written signature, rank and payroll number of the preparing officer and their position in relation to the person being disciplined. [CALEA 26.1.5]
- E. Any Supervisory or Command Officer has the authority to impose an emergency suspension against any employee regardless of the unit to which the employee is assigned until the next business day when an employee's continued presence at work would be a detriment to the efficiency of the Department or to public safety, A business day is defined as Monday through Friday from 0800 to 1700 hours. [CALEA 26.1.5]
- F. An SCMPD employee receiving an emergency suspension will be required to report to the Division Commander on the next business day at 0800 hrs, unless otherwise directed by competent authority to appear at a different time or date. The command or supervisory officer imposing or recommending the suspension will also report to the Division Commander at the same time. The Chief of Police may sustain or rescind the suspension action. [CALEA 26.1.5]
- G. When the command or supervisory officer of one unit orally reprimands an employee of another unit, they will notify the supervisor of the individual so disciplined as soon as possible. They will also submit a written report of this action and the reasons therefore to the commanding Officer of the employee.

This General Order serves as the Department's Rules and Regulations and supersedes all written directives issued prior to 02/09/2015 pursuant to Oath of Office, Ethics, Conduct, General Conduct, and Rules and Regulations.

BY ORDER OF:

Original Signature on File

Joseph H. Lumpkin Sr.
Chief of Police



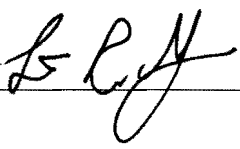
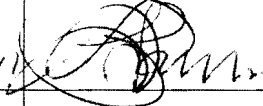
SAVANNAH CHATHAM POLICE

METROPOLITAN

Chief Joseph H. Lumpkin, Sr.

Internal Affairs Case Accountability Log

OPS# 2140622

Relinquished By			Received By		
Print Name	Signature	Date	Print Name	Signature	Date
Lt. Robert Gavin		03/24/15	Larry Branson		03/24/15

This completed investigation is to be returned to the Office of Professional Standards by:
